



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

Advisory Board of Pardons

12 Mercer Road, Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Gloriann Moroney
Chair

Kevin Keefe
Executive Director

IN THE MATTER OF

BRIAN MORIN

PETITION FOR PARDON

REPORT AND RECOMMENDATION

YOUR EXCELLENCY:

The Advisory Board of Pardons (hereinafter "the Board") respectfully submits this report and recommendation concerning the pardon petition of Brian Morin. Mr. Morin was convicted of Larceny from a Person and Assault and Battery in 1980 in Marlborough District Court, and sentenced to probation.

On or about January 25, 2016, Mr. Morin submitted a petition for a pardon. (*Attachment A*). On April 25, 2022, the Board conducted a public hearing regarding Mr. Morin's petition. In his petition and at the public hearing, Mr. Morin requested a pardon for his convictions so that so that he may renew his Firearms Identification Card ("FID").

After due consideration, the Board voted unanimously to recommend favorable consideration of Mr. Morin's request for a pardon. The reasons for the Board's recommendation are set forth in the body of this opinion.

PROCEDURAL HISTORY

On September 26, 1980, Mr. Morin was arraigned in Marlborough District Court, Docket Numbers 1148 and 1149. (*Attachment B*). He pleaded guilty to one count of Larceny from a Person and one count of Assault and Battery. He was sentenced to eighteen months of probation, which he completed without issue, and which was terminated on October 21, 1981. Mr. Morin subsequently sealed his Massachusetts record.

STATEMENT OF THE CASE

There is no arrest report or incident report regarding this incident on record with the Marlborough Police Department. Mr. Morin's version of events is summarized below, in the section titled "Pardon Petition of Brian Morin."

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) record, both dated October 27, 2021, Mr. Morin has one additional charge on his record. He was arraigned in Marlborough District Court on or about September 26, 1980 on one count of Assault. This charge was dismissed on October 21, 1980. According to Mr. Morin, this dismissed charge was also related to the governing offenses. He has stated that after his arraignment on the governing offenses, the aunt of the victim made additional claims of assault against Mr. Morin. (*Attachment B*).

PARDON PETITION OF BRIAN MORIN

As previously indicated, Brian Morin submitted a petition for executive clemency, in the form of a pardon, for convictions for Larceny from a Person and Assault and Battery in Marlborough District Court in 1980. In his petition, Mr. Morin stated that he was sixteen years old at the time of the offenses. He reported the following version of events: "While playing football in the street in front of my house with friends there were firecrackers going off in the adjacent cemetery. The police arrived and informed us that they would be contacting

our parents for lighting off firecrackers despite us telling the officers that we did not do it. 10 minutes after the police left the firecrackers resumed and I went into the cemetery and discovered 3 neighborhood boys with firecrackers and told them what happened. They handed over the firecrackers willingly and I went home. 2 weeks later I got a summons to appear in the Marlborough District Court and was charge with and later convicted of larceny from a person.”

At the time of his petition, Mr. Morin reported having been married to his wife for twenty-three years and raising two children together. He stated that he has owned his home for twenty-two years and worked at the same job for over twenty-seven years. He has coached soccer, hockey, and baseball teams for his children and raised money for various charities including Project Bread – Walk for Hunger, Walk for a Cure, Walk to Benefit Special Olympics, and United Way of Central Massachusetts.

Mr. Morin stated in his petition that he is seeking a pardon so that he may renew his FID, the renewal of which was denied in 2014 due to his conviction. He reported having a valid FID since 1980 and being a responsible gun owner for over thirty years. He has held hunting licenses in Massachusetts, Vermont, and Maine without issue. With his petition, Mr. Morin included a letter dated April 18, 2014 from Chief Mark Laverdure of the Clinton Police Department denying his application to renew his FID. He also attached a letter from Chief Laverdure dated March 30, 2015 stating that he would reinstate Mr. Morin’s FID if Mr. Morin were to obtain a pardon. (*Attachment A*, page 11).¹

¹ Chief Laverdure is no longer serving as chief of the Clinton Police Department. More recently, Firearms Officer Bedard stated that if Mr. Morin were to receive a pardon, his license would likely be reinstated. (*Attachment C*, page 5).

2022 INTERVIEW OF BRIAN MORIN

At the request of the Advisory Board of Pardons, Mr. Morin consented to an interview concerning his petition. (*Attachment C*). The interview took place on April 4, 2022. When asked about the governing offenses, Mr. Morin denied having any knowledge that he had also been charged and convicted of Assault and Battery.²

PROCEEDINGS BEFORE THE ADVISORY BOARD

On April 25, 2022, the Advisory Board of Pardons held a public hearing on Brian Morin's pardon petition. The hearing was chaired by Gloriann Moroney. Advisory Board of Pardon Members Charlene Bonner, Sheila Dupre,³ and Tina Hurley were present at the hearing. Board Members Tonomey Coleman and Colette Santa were not present for the hearing, but reviewed the record and participated in deliberations. Mr. Morin was not represented by counsel.

THE BOARD'S INQUIRY

SOCIAL HISTORY

Upon inquiry by the Board, Mr. Morin provided information concerning his social history. Mr. Morin stated that at the time of the offenses he was sixteen years old, and that he was seventeen at the time of his arraignment. He described himself as a regular teenager, who worked at a job, played football and frisbee in the neighborhood, and obtained good grades at school. Mr. Morin went on to graduate from high school and earn certificates from Worcester Polytechnic Institute in supply chain management.

Mr. Morin told the Board that he has been married for thirty years, and that he and his wife have two adult children. Mr. Morin and his wife live in Clinton, and also have a vacation

² Mr. Morin's petition for a pardon referred only to the Larceny from a Person charge. Upon learning that he had also been convicted of Assault and Battery, Mr. Morin indicated that he would like his petition for a pardon to also include that offense.

³ Board Member Dupre was present for Mr. Morin's pardon hearing and voted in favor of his petition. Her signature is not included on this memorandum because she is no longer a Board Member.

home in Vermont. Mr. Morin has been employed by Stratus Technologies since 1988. He started as an assembler and worked his way up through the company, taking on various roles over the years. He currently works as a supply quality engineer.

GOVERNING OFFENSE

The Board inquired about the offenses for which Mr. Morin seeks a pardon. Mr. Morin stated that he was playing frisbee with three other teenagers when they noticed that fireworks were being set off in a nearby cemetery. Police officers arrived and blamed Mr. Morin and his friends for the fireworks, telling them that their parents would be contacted. After the officers left, Mr. Morin and his friends confronted the group of neighborhood kids who were setting off the fireworks, telling them that the police had incorrectly blamed their group for the disturbance. Mr. Morin and his friends told the other group of teenagers to turn over the fireworks, which they did without issue. Mr. Morin and his friends disposed of the fireworks in a nearby trashcan. Mr. Morin denies any physical confrontation or unwanted touching taking place. Mr. Morin and two of his three friends were later charged.

According to Mr. Morin, an aunt of one of the teenagers from the other group confronted him later that night. He stated that she pulled a knife on him, threatened him, and stabbed his hand, causing him to defend himself. This incident formed the basis of the Assault charge that was added after his original arraignment. According to Mr. Morin, the complainant was arrested during a clerk's hearing, and the Assault charge against him was quickly dismissed.

VICTIM IMPACT

No victim impact statements were provided to the Board.

PRIOR CRIMINAL HISTORY

The Board noted that, aside from the governing offenses, Mr. Morin has had no other involvement with the criminal justice system.

COMPELLING NEED FOR A PARDON

The Board made inquiries concerning Mr. Morin's compelling need for a pardon. Mr. Morin reported that he is seeking a pardon so that he may once again obtain an FID. He was issued an FID in Marlborough in 1984, which was subsequently renewed by the Clinton Police Department until his renewal was denied in 2014 based on his conviction. Mr. Morin reported that he has been a hunter his whole life, and has been issued hunting licenses in Massachusetts, Vermont, and Maine. He was a licensed, responsible gun owner for approximately thirty years. The former chief of the Clinton Police Department submitted a letter indicating that Mr. Morin would be eligible for renewal of his FID if he were to receive a pardon. The current firearms licensing officer confirmed that this remains the department's position.

SUPPORT

TESTIMONY

No individuals testified in support of Mr. Morin's petition.

LETTERS

The Board received three letters of recommendation that were attached to Mr. Morin's petition for a pardon (*Attachment D*).

John Merrow

John Merrow submitted an undated letter in support of Mr. Morin's petition for a pardon. Mr. Merrow stated that he has known Mr. Morin for half of his life, and that they have worked together and gone hunting and fishing together. He described Mr. Morin as "a good citizen," "upstanding," and "a person of integrity, and honesty."

David Auger

David Auger, a friend of Mr. Morin, submitted an undated letter in support of Mr. Morin's petition for a pardon. Mr. Auger reported that he has known Mr. Morin since the

first grade and stated that “there is probably no one I know who is more deserving of consideration for a pardon for something that happened in 1980.”

Daniel Reeves

Daniel Reeves, Mr. Morin’s co-worker and manager, submitted an undated letter in support of Mr. Morin’s petition for a pardon. Mr. Reeves stated that he has worked with Mr. Morin for over twenty years and has been his manager for eight. He described Mr. Morin as “an excellent employee and coworker” and as someone who is “honest, trustworthy, and reliable.”

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Morin’s petition.

LETTERS

No letters were submitted in opposition to Mr. Morin’s petition.

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

After careful review and consideration, it is the opinion of 6 of the 6 voting members of the Advisory Board of Pardons that a favorable recommendation for a pardon be sent to the Governor on behalf of Brian Morin.

Governor Charles D. Baker’s Executive Clemency Guidelines, issued on February 21, 2020 (“Guidelines”), establish the grounds upon which a pardon may be granted and provide assistance to the Advisory Board of Pardons in making recommendations to the Governor on clemency petitions. The Guidelines state that a pardon is “an extraordinary remedy which has the effect of treating the petitioner as if the offense had never been committed.” The Guidelines further provide that “[pardons are] intended to remove the barriers that are sometimes associated with a criminal record, thereby facilitating the reintegration of the petitioner into his or her community.” The

Guidelines state that the nature and circumstances of the offense and the character and behavior of the petitioner are the two "paramount considerations in deciding whether to grant clemency."

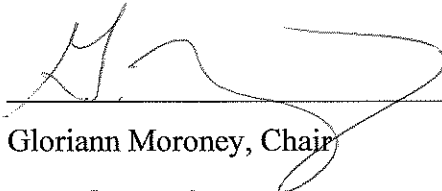
Under the Governor's Guidelines, a person who petitions for a pardon bears the responsibility of demonstrating, by clear and convincing evidence, that:

- (a) The petitioner has clearly demonstrated an acceptance of responsibility for the offense for which the petitioner is seeking clemency;
- (b) the petitioner does not have any pending appeals or challenges to a conviction or sentence;
- (c) the petitioner has made full restitution to his or her victims, in the event of economic injury;
- (d) the petitioner has made exceptional strides in self-development and self-improvement and would be a law-abiding citizen; the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (e) the petitioner has contributed to society through the military or public service, or through charitable work;
- (f) the petitioner has demonstrated a period of good citizenship by "leading a responsible and productive life and contributing to [his or her] community in a positive manner" for more than ten years following a felony conviction, "without the structure provided by government supervision," such as probation or parole;
- (g) there is no alternative remedy available to the petitioner.


The petitioner is seeking a pardon for a conviction of Larceny from a Person and Assault and Battery from 1980. The Board notes that Mr. Morin was sixteen years old at the time of the

offenses. He successfully completed his probation, and since that time has had no other convictions within the criminal justice system. He has been employed with the same company since 1988 and has and been involved with coaching youth sports and charity events. He is married with two adult children, and has lived in his community for over twenty years. The Board further notes that Mr. Morin was a responsible gun owner for over thirty years and is an avid hunter. He held hunting licenses in Massachusetts, Vermont, and Maine without issue until his FID renewal was denied in 2014. Mr. Morin's petition was supported by the Clinton police, indicating that he would be eligible for renewal if pardoned. Therefore, the Board recommends that a pardon be granted.

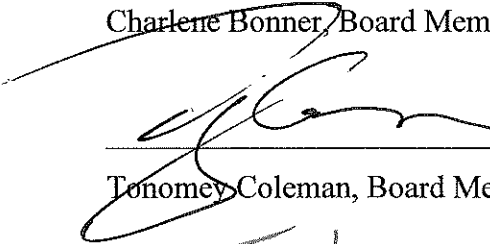
For the members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 1st of September, 2022:



Gloriann Moroney, Chair




Charlene Bonner, Board Member



Tonomey Coleman, Board Member



Tina Hurley, Board Member



Colette Santa, Board Member