



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Acting 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
MICHAEL BIAGINI
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 Michael Biagini. Mr. Biagini is seeking a pardon for several convictions from the 1960s and 1970s. Mr. Biagini’s convictions are as follows:

- 1974: North Adams District Court – Assault & Battery
 - Guilty – Sentenced to three months in the House of Corrections
- 1966: Pittsfield Jury Session – Assault & Battery
 - Guilty – Sentenced to a \$25.00 fine
- 1966: Northern Berkshire District Court – Assault & Battery
 - Guilty – Sentenced to a \$25.00 fine
- 1965: Adams District Court – Minor in Possession of Alcohol
 - Guilty – Sentenced to a \$25.00 fine

On or about October 14, 2020, Mr. Biagini submitted a petition for a pardon. (*Attachment A*). On August 29, 2022, the Board conducted a public hearing regarding Mr. Biagini’s petition. In his petition and at the public hearing, Mr. Biagini requested a pardon for his past convictions so that he may reapply for a license to carry a firearm. Mr. Biagini had previously held a license to carry for several decades. (*Attachment B*). After due consideration, the Board voted unanimously

to recommend favorable consideration of Mr. Biagini's request for a pardon. The reasons for the Board's recommendations are set forth in the body of this opinion.

STATEMENT OF THE CASE

Official reports regarding the various offenses were not available, due to the age of the matters.

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) record, both dated February 22, 2022, the offenses outlined above constitute Mr. Biagini's entire criminal history. (*Attachment C – Criminal History*).

PARDON PETITION OF MICHAEL BIAGINI

As previously indicated, Michael Biagini submitted a petition for executive clemency, in the form of a pardon, for several convictions from the 1960's and 1970's. Through his petition, Mr. Biagini sought a pardon in order to obtain a license to carry firearms. He explained that he had held a license to carry for over forty-five years, and had recently been barred from renewing his license as a result of these convictions.

2022 INTERVIEW OF MICHAEL BIAGINI

At the request of the Advisory Board of Pardons, Mr. Biagini was interviewed on August 10, 2022. A copy of his interview report is included as *Attachment D*.

PROCEEDINGS BEFORE THE ADVISORY BOARD

On August 29, 2022, the Advisory Board of Pardons held a public hearing on Michael Biagini's pardon petition. The hearing was chaired by Gloriann Moroney. Advisory Board of Pardons Members Charlene Bonner, Maryanne Galvin, Tina Hurley, and James Kelcourse were present at the hearing. Mr. Biagini was not represented by counsel.

THE BOARD'S INQUIRY

SOCIAL & PROFESSIONAL HISTORY

Upon inquiry by the Board, Mr. Biagini provided information concerning his social and professional history. Mr. Biagini reported that he is married with two children, two grandchildren,

and one great-grandchild. He served in the National Guard from 1966 through 1972, and received an Honorable discharge. Mr. Biagini worked at GE for fifteen years, and then worked as a truck driver. He retired approximately ten years ago, but reported that he still drives a truck occasionally. For over fifty years, he has served as a volunteer firefighter and first responder for the Town of Cheshire. He also served on the Cheshire Board of Health from 1990 through 2000, and again from approximately 2012 through 2019. He currently serves as the elected Town Water Commissioner.

GOVERNING OFFENSE

The Board inquired about the offense for which Mr. Biagini seeks a pardon. Due to the length of time that has elapsed since the convictions, Mr. Biagini has a limited memory surrounding the facts and circumstances of his cases. With respect to one of the Assault and Battery convictions, Mr. Biagini recalls that he was involved in a “tussle” over a young lady.

VICTIM IMPACT

No victim impact statements were provided to the Board.

COMPELLING NEED FOR A PARDON

The Board made inquiries concerning Mr. Biagini’s compelling need for a pardon. Mr. Biagini reported that he was seeking a pardon so that he may reapply to have his license to carry a firearm reinstated. Mr. Biagini reported that he has held a license to carry for over four decades. He stated that he greatly enjoys hunting, and wishes to share his hobby with his grandchildren, who are also interested in hunting. He held his license responsibly, without issue, until a statutory change resulted in his disqualification.

SUPPORT

TESTIMONY

No individuals testified in support of Mr. Biagini’s petition.

LETTERS

The Board reviewed letters of recommendation submitted in support of Mr. Biagini's pardon petition, as well as a letter from the Cheshire Police Department regarding his suitability for a license to carry. *Attachment A*, pages 14-17.

Cheshire Town Clerk Christine B. Emerson

Ms. Emerson submitted a letter of recommendation on Mr. Biagini's behalf, calling him "an honorable and trustworthy man." She stated that she and Mr. Biagini have known one another for forty years.

Bruce D. Shepley

Mr. Shepley submitted a letter of in support of Mr. Biagini. He stated, "[Mr. Biagini] is an exemplary example of a public servant; conscientious, and dedicated to the responsibilities and citizens he has been elected to serve. A dedicated family man and patriarch, he sets the example daily in citizenship, stewardship, and responsibility."

Cheshire Chief of Police Timothy K. Garner

Chief Garner provided a letter of recommendation on Mr. Biagini's behalf, and asked for "consideration" to be given to Mr. Biagini's request.

Cheshire Police Sergeant Michael J. Alibozek

Sergeant Alibozek submitted a letter on behalf of Mr. Biagini, and stated, "The department sees no issue with him to hold an active LTC."

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Biagini's petition.

LETTERS

No letters were submitted in opposition to Mr. Biagini's petition.

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

After careful review and consideration, it is the opinion of 5 of the 5 voting members of the Advisory Board of Pardons that a favorable recommendation for a pardon be sent to the Governor on behalf of Michael Biagini.

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."

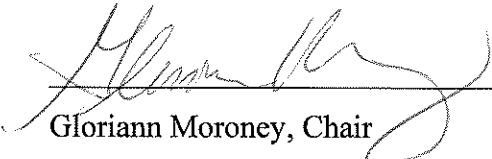
Under the Governor's Guidelines, a person who petitions for a pardon bears the responsibility of demonstrating, by clear and convincing evidence, that:


- (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;

- (e) the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (f) the petitioner has contributed to society through the military or public service, or through charitable work;
- (g) 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;
- (h) there is no alternative remedy available to the petitioner.

From the age of 18 to 27, Mr. Biagini committed the offenses for which he is seeking a pardon. Now 74-years-old, Mr. Biagini is seeking a pardon to lawfully obtain a firearm. Mr. Biagini is an avid hunter who lawfully held a firearms license for decades until this conviction precluded his license renewal due to a change in the law. Mr. Biagini is a National Guard veteran and has demonstrated significant good citizenship as he served as Cheshire’s Town Water Commissioner, and volunteer firefighter and first responder. He has demonstrated a compelling need and exceptional strides to warrant a pardon.

For the five members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 26th of October, 2022:


Gloriann Moroney, Chair


Charlene Bonner, Board Member


Maryanne Galvin, Board Member


Tina Hurley, Board Member


James Kelcourse, Board Member