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Governor

Karyn Polito
Lieutenant Governor

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The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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Advisory Board of Pardons

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IN THE MATTER OF

ROBERT PAUL BUSA

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 Robert Paul Busa. Mr. Busa was found delinquent of Breaking and Entering and Larceny on April 30, 1970 in Newton Juvenile Court, and sentenced to one year of probation. He was also found delinquent of a Property Violation on June 8, 1970 in Newton Juvenile Court and received a DYS suspended sentence.

On or about July 17, 2017, Mr. Busa submitted a petition for a pardon. (*Attachment A*). On August 29, 2022 the Board conducted a public hearing regarding Mr. Busa's petition. In his petition and at the public hearing, Mr. Busa requested a pardon for his convictions so that he may seek to renew his License to Carry a Firearm ("LTC").

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

PROCEDURAL HISTORY

On March 28, 1970, Mr. Busa was arraigned in Newton Juvenile Court, Docket 1550455ZZ. He was found delinquent of Breaking and Entering and Larceny on April 13, 1970 and sentenced to one year of probation. On June 1, 1970, Mr. Busa was arraigned in Newton Juvenile Court, Docket 1550456ZZ. He was found delinquent of a Property Violation on June 8, 1970 and received a DYS suspended sentence. He successfully completed his probation, and probation on both cases was terminated on April 12, 1971. Mr. Busa has subsequently sealed his record. (*Attachment B*).

STATEMENT OF THE CASE

In his petition for a pardon, Mr. Busa stated that the property violation occurred when a Boston sports team won a championship and he smashed windows in an abandoned school. He was unable to recall the circumstances of the Breaking and Entering and Larceny charge, but did recall that both events involved the Newton Police Department. Due to the age of the offenses, neither the Newton Police Department nor the Middlesex District Attorney's Office has any records relating to these offenses.

CRIMINAL RECORD

According to the Massachusetts Board of Probation record dated January 21, 2022, Mr. Busa was previously charged with Larceny, Malicious Destruction of Property, and Breaking and Entering and Larceny in Hingham Juvenile Court in 1968, and the case was dismissed. He was subsequently charged as an adult with four offenses, none of which resulted in convictions. A charge of Trespass in Newton District Court was dismissed on September 30, 1971. Charges of No Support were dismissed in Waltham District Court and Newton District Court in 1981. A Compulsory Insurance Violation in Somerville District Court resulted in a \$25 fine in 1984. There are no other charges or convictions on Mr. Busa's

Massachusetts record. According to his National Crime Information Center (“NCIC”) record, also dated January 21, 2022, Mr. Busa does not have any criminal charges or convictions in any other state. (*Attachment B*).

PARDON PETITION OF ROBERT PAUL BUSA

On or about July 17, 2017, Mr. Busa submitted a petition for clemency, in the form of a pardon, for Breaking and Entering and Larceny, and a Property Violation.

In his petition, Mr. Busa stated that he is seeking a pardon so that he may renew his LTC. He also stated that he would like to be forgiven for these offenses that he committed when he was a child. He reported that he has been out of trouble since 1970.

Mr. Busa stated that he attended Newton North High School and obtained his GED. He served in the United States Marine Corps and was honorably discharged. Mr. Busa reported that he was trusted to provide security at the Massachusetts State House for 14 years through his employment as a Ranger for the Department of Conservation and Recreation (“DCR”).

2022 INTERVIEW OF ROBERT PAUL BUSA

At the request of the Advisory Board of Pardons, Mr. Busa consented to an interview concerning his petition. (*Attachment C*). The interview took place on August 17, 2022.

During his interview, Mr. Busa stated that he has lived in Massachusetts his entire life, and currently lives in Milford with his wife. He has been employed by DCR as a Ranger for 19 years. Previously he worked for Boston Irrigation Supply Company as a delivery driver. Mr. Busa reported that he is in good health, without any significant medical issues.

PROCEEDINGS BEFORE THE ADVISORY BOARD

On August 29, 2022, the Advisory Board of Pardons held a public hearing on Mr. Busa’s pardon petition. The hearing was chaired by Gloriann Moroney.¹ Advisory Board of

¹ Chair Moroney was present for Mr. Busa’s hearing and participated in deliberations, however, her signature is not included on this memorandum as she is no longer a Board Member.

Pardon Members Charlene Bonner, Maryanne Galvin, Tina Hurley, and James Kelcourse were also present at the hearing. Board Members Tonomey Coleman and Colette Santa were not present the hearing, but reviewed the record and participated in deliberations. Mr. Busa was not represented by counsel.

THE BOARD'S INQUIRY

SOCIAL HISTORY

Upon inquiry by the Board, Mr. Busa provided information concerning his social history. He told the Board that at the time of the offenses he was a good kid, but sometimes was "wild" with his friends like typical teenagers. In the 10th grade, his girlfriend got pregnant and he left school to support her and the baby. They got married, and had two additional children. Although they separated, Mr. Busa stated that they still have a good relationship.

At age 18, Mr. Busa joined the United States Marine Corps. Following an honorable discharge, he began working as a laborer and delivery driver. He was then hired by DCR as a Ranger and has been employed there for 19 years. He was stationed at the State House from 2005 until approximately 2018, and is currently stationed at the Wachusett Reservoir.

Mr. Busa told the Board that he lived in Newton for much of his life, and that five years ago he bought a house in Milford. He has been with his current wife since 1983. Between them, they have five children and nine grandchildren. Mr. Busa stated that over the years he has participated in fundraising events for the Boys and Girls Club and an organization that helps domestic violence victims. He also donates money to other charities.

GOVERNING OFFENSE

The Board inquired about the offenses for which Mr. Busa seeks a pardon. He reported that the property violation involved going to an abandoned school with a bunch of teenagers and throwing rocks at broken windows after the Boston Bruins won a championship game.

He stated that the school was torn down shortly after. Mr. Busa told the Board that he doesn't have a recollection of the events that led to the breaking and entering charge, but that he does not deny that it occurred.

VICTIM IMPACT

No victim impact statements were provided to the Board.

PRIOR CRIMINAL HISTORY

The Board noted that, aside from the governing offenses, Mr. Busa was charged with another case in Hingham Juvenile Court, which was ultimately dismissed. He stated that he recalls this incident involving sneaking into an arcade at Nantasket Beach with some friends.

COMPELLING NEED FOR A PARDON

The Board made inquiries concerning Mr. Busa's compelling need for a pardon. Mr. Busa reported that he had a firearms license until approximately 2003. In 2017 he attempted to obtain an LTC in Milford, and his application was denied due to his criminal record. He subsequently had his record sealed and re-applied, but his application was denied again.

Mr. Busa reported that he enjoys hunting and shooting. He legally owns firearms in New Hampshire and participates in hunting there with his brothers and children. If he were to obtain an LTC in Massachusetts, he would like to join his local gun club in Milford and also be able to possess a firearm to protect his family. With his application, he provided a letter from the now-retired Chief of Police in Milford indicating that Mr. Busa would be eligible to receive an LTC if he were to receive a pardon. Mr. Busa also stated that he would like to be forgiven for these offenses that he committed as a teenager nearly 53 years ago.

SUPPORT

TESTIMONY

The Board did not hear any testimony in support of Mr. Busa's petition.

LETTERS

In advance of Mr. Busa's hearing, the Board received three letters of recommendation in support of Mr. Busa's pardon petition. (*Attachment D*):

Ryan Fattman Ryan Fattman, State Senator for Worcester & Norfolk District, submitted a letter dated July 13, 2017 in support of Mr. Busa's petition for a pardon. Senator Fattman reported that he has gotten to know Mr. Busa on a personal and professional level through his work as a DCR Ranger. He reported that Mr. Busa has a "strong sense of integrity and character" and is involved in civic organizations outside of work.

William Anderson William Anderson, Mr. Busa's supervisor, submitted a letter dated August 27, 2022 in support of Mr. Busa's petition for a pardon. Mr. Anderson stated that Mr. Busa was transferred to the Wachusett Watershed in 2019. He described Mr. Busa as "a steadfast and exemplary employee" who "is always willing to tackle all aspects of his job with enthusiasm, dedication, empathy, and positivity."

Sean Flood Sean Flood, a colleague of Mr. Busa, submitted a letter dated August 27, 2022 in support of Mr. Busa's petition for a pardon. Mr. Flood reported that he has known Mr. Busa for almost 20 years. He described Mr. Busa as someone with a positive demeanor and a caring man who has had a positive impact on the community.

OPPOSITION

TESTIMONY

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

LETTERS

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

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

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

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:

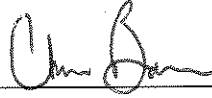
- (a) The petitioner has clearly demonstrated an acceptance of responsibility for the offense for which the petitioner is seeking clemency;
- (b) the petitioner does not have any pending appeals or challenges to a conviction or sentence;
- (c) the petitioner has made full restitution to his or her victims, 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.

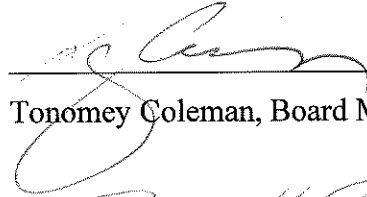
The Board recommends to pardon Mr. Busa’s two prior convictions from 1970. Mr. Busa was 15 and 16 years old at the time of conviction. Due to the age of the case, Mr. Busa’s memory of some of the details were lacking, however, he accepts responsibility for his teenage behavior. Following these convictions, Mr. Busa’s life has exhibited decades of good citizenship in his employment in various positions in public service and strong ties to the community. The Board feels that Mr. Busa presented a compelling case for a firearm license and to be forgiven for crimes that he committed as a child.

Therefore, the Board recommends that a pardon be granted.

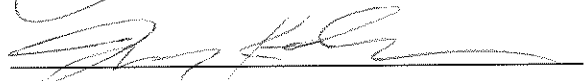
For the voting members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 31st of October, 2022:



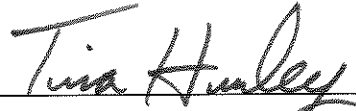
Charlene Bonner, Board Member



Tonomey Coleman, Board Member



Maryanne Galvin, Board Member



Tina Hurley, Board Member



James Kelcourse, Board Member



Colette Santa, Board Member