



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Telephone # (508) 650-4500  
Facsimile # (508) 650-4599

Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Mary Elizabeth Heffernan  
Secretary

Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**NELSON TRONGEAU**

**W40545**

**TYPE OF HEARING:** Review Hearing after Revocation

**DATE OF HEARING:** July 10, 2012

**DATE OF DECISION:** August 15, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** Parole is denied with a review in five years. The decision is unanimous.

**I. STATEMENT OF THE CASE**

Nelson Trongeau shot and killed Alice Michaud on May 4, 1983 as she walked on Fourth Avenue in Haverill. Mr. Trongeau was driving with his brother David Trongeau and their friend Gregory Marini. Nelson Trongeau had his sawed-off .22 caliber rifle in the car. The men decided to commit a robbery. Nelson Trongeau spotted a woman walking alone and pulled the car near her. He pointed the gun at Alice Michaud and demanded her money. Ms. Michaud laughed at Mr. Trongeau, turned her back and walked away. Nelson Trongeau fired his rifle at Ms. Marchaud. The bullet entered the victim's back and severed her spinal cord. Nelson Trongeau drove away and later threw the rifle in the Merrimack River.

Nelson Trongeau pleaded guilty to second-degree murder on June 19, 1984.

## **II. PERFORMANCE ON PAROLE**

Mr. Trongeau was released on parole in 2007 after serving 24 years. He completed a long-term residential program and then lived with his wife. He was required to attend AA meetings and participate in bi-weekly one-on-one counseling to address his substance abuse and mental health issues.

Mr. Trongeau had difficulty finding steady employment. His parole officer referred him to a construction company that employed Mr. Trongeau for one year but the company closed in August 2009 and Mr. Trongeau was again unemployed. This began a prolonged period of declining parole performance. Mr. Trongeau's parole period is marked by the following issues: failure to attend AA; chronic unemployment combined with failure to follow the parole officer's directives for finding work; sarcastic and confrontational attitude; declining mental health; refusal to take suggested medication to treat depression; failure to pay supervision fees; spending time and money raising pit bulls rather than looking for work or paying supervision fees. These difficulties led to four graduated sanctions.

In order to cover up these problems, Mr. Trongeau regularly hid information and lied to his parole officer. Most notably he repeatedly and falsely told parole that he was enrolled in tractor trailer school. By the time the parole officer uncovered the falsehood, Mr. Trongeau had gained months of inactivity without seeking work. Eventually, Mr. Trongeau's behavior became a public safety risk and he was informed on January 13, 2012 that he would be returned to custody for the parole violation process. Mr. Trongeau refused the request by parole staff to handcuff him and provided aggressive and prolonged resistance to arrest.

## **III. PAROLE HEARING ON AUGUST 7, 2012**

Parole Board Members questioned Mr. Trongeau about the following issues: repeatedly lying to his parole officer; repeatedly ignoring the required condition of attending AA meetings; ignoring the parole officer's suggestions and directives related to finding employment; keeping pit pulls as pets rather paying his supervision fee; speaking to his parole officer with sarcasm and disrespect; and physically resisting parole officers during arrest.

Contrary to the abundant evidence of poor parole performance, Mr. Trongeau asserted that he "was doing really well on parole" and that he "had a good attitude with his parole officer." Mr. Trongeau also took a curious approach to the murder of Alice Michaud. He stated that the shooting was an "accident, I didn't know the gun was loaded, I was taking the gun from Marini and it went off; we saw her go down but we didn't know she was hit, we thought she had a heart attack." The inmate's claims that he did not demand the victim's money, did not know the gun was loaded, did not aim it at the victim, did not intentionally fire at the victim, and did not know the victim was shot are in conflict with the evidence and the conviction for murder. Accordingly, the Parole Board concluded that these statements made at the hearing were false and misleading.

The issue of false statements is not new for Mr. Trongeau. He has always falsely claimed that the shooting was an accident and not related to a robbery, but he has varied the details of that story. At certain times he has said that he and his brother spoke briefly with the victim minutes before the shooting. In 2000 he claimed no memory of handling or firing the

gun. He has given multiple versions of his drug use on that day: in 1997 he insisted he was "completely sober;" in 2000 he said he was under the influence of heroin; for this hearing he claimed to have used only speed while at work in the morning. The inmate also intentionally made false statements on an important issue in his parole hearing in 2007. He maintained at that hearing that he did not attend AA in the institution because the AA meetings took place at the same time as Native American Circle which he attended weekly. At this hearing, he admitted that he had lied to the Board in 2007 and that AA meetings were not held on the same night as Native American Circle.

Mr. Trongeau acknowledged at this hearing that he had declining mental health during his parole. He said that he "is depressed now, 8 on a scale of 1 to 10; and on parole I was a 7." His counselor, who saw him bi-weekly, noted depression and paranoia. Board Member Dr. Bonner stated that "it looks like you were functionally impaired and needed serious treatment." Dr. Bonner pointed out that the inmate is seeking parole while he is seriously depressed, functionally impaired, and refusing recommended medication.

Emily Mellow spoke in opposition to parole on behalf of the Essex District Attorney. Four of Mr. Trongeau's relatives spoke in support of parole.

#### **IV. DECISION**

Nelson Trongeau falls into a small category of parolees: an inmate who committed a murder and receives parole without ever accepting the evidence and the conviction in the case. He had a chance to prove himself in the community even though he never testified honestly about the crime at a parole hearing and never accepted responsibility for the murder. Mr. Trongeau squandered this unusual opportunity by lying to his parole officer, neglecting his responsibilities to seek employment, and willfully refusing to attend AA reliably. The combination of these repeated transgressions created a situation that threatened public safety. Accordingly, parole was revoked. Mr. Trongeau now seeks another parole but he persists in making false statements and refusing to accept responsibility for his own actions that led to the parole violations. He is a very stubborn person who prefers self-righteousness to rehabilitation. The inmate does not have the insight, self-awareness, objectivity, and commitment necessary for parole success. Defiance and lack of cooperation are not good traits for a person who needs to abide by the conditions and expectations of parole. Due to lack of rehabilitation, Mr. Trongeau would likely re-offend if released and parole release is not compatible with the welfare of society. Given the amount of rehabilitative work facing Mr. Trongeau, it would not be productive to have a hearing sooner than the statutory five-year period.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

  
Caitlin E. Casey, Chief of Staff

8/15/12  
Date