



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

MICHAEL LACORTE

W35301

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: July 31, 2012

DATE OF DECISION: May 28, 2013

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

Michael LaCorte appeared before the Massachusetts Parole Board on July 31, 2012, seeking re-parole after a parole revocation. On January 10, 1976, after a jury trial, Michael LaCorte was sentenced to serve life in prison for the second-degree murder of 33-year-old Richard White. The Supreme Judicial Court affirmed the conviction on November 18, 1977. *Commonwealth v. LaCorte*, 373 Mass. 700 (1977). The following facts are culled from the Supreme Judicial Court's opinion.

On May 29, 1974, Mr. LaCorte murdered Richard White because he believed that Mr. White had "ripped" him off in a drug transaction. Mr. White was found dead on the floor of his Marlborough Street apartment in Boston, bleeding from multiple stab wounds, and with a scarf tied around his neck like a noose. There was evidence suggesting that Mr. White had fallen through a plate glass window during his struggle with Mr. LaCorte.

About four months later, in October 1974, Mr. LaCorte bragged to a group of friends about the crimes that he had committed in the past, including a murder that he reenacted for them. Mr. LaCorte related how he and a friend had "roundhoused" a Marlborough Street man who had "ripped us off." Mr. LaCorte illustrated his story by standing up one of his listeners, spinning him around, and pretending to stab him repeatedly at each turn. Mr. LaCorte also told his friends that he had stabbed the victim 27 times and that the victim had fallen through a glass window during the struggle. Two of these friends spoke with police about Mr. LaCorte's statements and ultimately testified at his trial. In addition, during the course of the investigation, Mr. LaCorte's fingerprint was discovered on a coffee cup recovered from the victim's apartment.

An autopsy revealed that Mr. White had succumbed to multiple stab wounds to his chest and abdomen with penetrating injuries to his lung, liver, spleen, kidneys, and stomach.

Prior to his conviction for second-degree murder, Mr. LaCorte amassed a lengthy criminal history including convictions for conspiracy to violate the drug laws, breaking and entering (five separate convictions), receiving stolen property, larceny from a person, and assault and battery on a police officer. In 1976, following his conviction for Mr. White's murder, Mr. LaCorte was found guilty in Middlesex Superior Court of theft of a controlled substance, stealing by confining, and breaking and entering. Mr. LaCorte received concurrent three to five year sentences for each of these offenses, each of which has expired.

II. INSTITUTIONAL HISTORY

Michael LaCorte's institutional adjustment has been problematic. He has received 44 disciplinary reports, 12 returns to higher custody, and one out of state placement. The Department of Correction identifies him as a suspected member of "organized crime." Most notably, Mr. LaCorte was disciplined for fighting, threatening an inmate with a knife, repeated drug use, introducing contraband into the prison, and inappropriate contact with female staff. Since his latest return to custody as a parole violator, he incurred two major disciplinary reports, for a drug test positive for opiates in 2006 and for fighting in 2007.

Mr. LaCorte has been involved in several programs including the Correctional Recovery Academy, SPAN substance abuse programming, Alternatives to Violence, and Alcoholics Anonymous (AA). Since his latest return to custody, Mr. LaCorte reported that he has completed the CRA Graduate Maintenance Program and also served as a mentor for the program in 2009. He is employed as a barber.

III. PAROLE HISTORY

Mr. LaCorte appeared before the Massachusetts Parole Board for a review hearing on July 31, 2012. This is Mr. LaCorte's ninth appearance before the Board. There are two parole failures and one rescission.

He was first paroled in January 1993 from Boston State Pre-Release to live with his fiancée in Watertown. Approximately six weeks into his parole, Mr. LaCorte relapsed and began using heroin. At the end of February, parole officers learned that Mr. LaCorte had been with his brother, a known felon, either before or after a bank robbery, and that drug use was involved. Mr. LaCorte was subsequently drug tested and was positive for morphine. As a result, parole was revoked. In April 1994, the Board voted to re-parole Mr. LaCorte after 12 months in pre-release. Prior to his release, however, parole was rescinded when he was implicated in an extortion scheme. The investigation resulted in two criminal charges of threats. Mr. LaCorte pleaded guilty to one charge and the other charge was dismissed.

In February 2003, he was re-paroled to Project Turnabout. After ten months, he graduated from the program and resided with his girlfriend. He was employed full time for a flooring company and continued with Alcoholics and Narcotics Anonymous meetings. However, his personal life was unraveling and, in July 2004, Mr. LaCorte's girlfriend accused him of assaulting her, with criminal charges resulting. He was subsequently returned to custody for revocation proceedings. Mr. LaCorte was found not guilty of the charges, and the Parole Board did not affirm the revocation. He was released on April 4, 2005, to the Answer House, but was returned to custody six weeks later for using Oxycontin without a prescription.

IV. PAROLE HEARING JULY 31, 2012

Mr. LaCorte seeks re-parole to Peabody to reside with his girlfriend Patty Cormier, after a period of incarceration in lower security and placement in a long term residential program. Ms. Cormier, a retired nurse, cares for her disabled adult daughter, who lives with her. Mr. LaCorte would continue to participate in Alcoholics Anonymous, obtain a sponsor, and attend one-on-one counseling. He acknowledged that "work will be hard at this age." He is 61.

At the hearing, Mr. LaCorte provided an opening statement characterizing his previous behavior as reckless, self-centered, and impulsive. He now concludes that he has made meaningful improvements as he is more mature, thoughtful, and responsible, and he has maintained his sobriety for the past six years.

Board Members asked Mr. LaCorte to address his poor prison conduct, his parole failures, and his drug addiction. Mr. LaCorte said that he accrued many disciplinary reports because "it was a madhouse at Walpole at that time; it was insanity; I wasn't ready for that; I was scared every night." He said his drug addiction started at age 16, and that his criminal history is "all because of drugs." On his first parole in 1993, Mr. LaCorte admitted that he started using heroin within weeks of his release. He denied robbing a bank with his brother, but admits that, as confirmed by a drug test, he was using heroin that day.

He explained that he was doing well on his second parole until his girlfriend "freaked out one day and called the cops." The Parole Board did not revoke parole for that incident and Mr. LaCorte went to a halfway house. Mr. LaCorte said that "35 days later I was using." He said that after his 2005 relapse and parole revocation, "I blamed others and made excuses." Mr. LaCorte told the Board, "I'm older now; I'm done using drugs; today my motivation is different." He also said that counseling in prison has helped him. Mr. LaCorte was asked what strategies he would use to maintain sobriety if released, but he said little in response.

A Board Member asked Mr. LaCorte whether he had worked to rehabilitate his violent behavior. Mr. LaCorte said he completed Alternatives to Violence and spoke with his counselor. He completed two phases of Alternatives to Violence in 1997.

Suffolk Assistant District Attorney Charles Bartoloni submitted a letter in opposition to parole. Ms. Cormier's eldest daughter testified and expressed concern about Mr. LaCorte living in the same home with her disabled sister. Patricia Cormier spoke in support of parole.

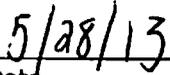
V. DECISION

Michael LaCorte has been given three chances for parole on his life sentence for second degree murder. Those opportunities resulted in two revocations and one rescission. Given the overpowering heroin addiction Mr. LaCorte faces, he needs a comprehensive approach and detailed strategies for sobriety in the community. At the hearing, Mr. LaCorte stressed his age and his increased motivation as factors that would secure sobriety for him. He did not, however, describe any strategy that included the insight, thoughtfulness, careful planning, and multiple supports necessary for a person with such a severe addiction. Additionally, Mr. LaCorte has lost sight of the need to work continuously on reducing his anger and capacity for violence. Mr. LaCorte is not rehabilitated.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." Applying that appropriately high standard here, the Board finds that Mr. LaCorte is not a suitable candidate for parole. Mr. LaCorte needs to recognize that he has not succeeded in the community because he has not been fully committed to rehabilitation. The parole review will be in five years, during which time Mr. LaCorte needs renewed energy and investment in rehabilitation for violence reduction, anger management, and drug addiction.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Caitlin E. Casey, Chief of Staff


Date