



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

MICHAEL MONTEL

W51627

TYPE OF HEARING: Review Hearing
DATE OF HEARING: February 23, 2012
DATE OF DECISION: May 3, 2013¹

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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years. The next hearing will be in February of 2017.

I. STATEMENT OF THE CASE

Michael Montel appeared before the Parole Board for a review hearing on February 23, 2012. This is his third appearance before the Board. In 2006 and 2009, the Board denied parole, setting a three year review.

On April 19, 1991, Michael Montel stabbed and killed his estranged wife, Marianne. He pleaded guilty to second-degree murder on December 11, 1991, and was sentenced to serve life in prison.

¹ This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

Six weeks prior to the murder, Mr. Montel and the victim had separated because of his violent behavior toward her, including threatening to kill her, physically assaulting her, and choking her. On Wednesday night, two nights before the murder, he broke into the victim's apartment, assaulted her with two knives, and forced her to remain in her bedroom overnight. The children were in the apartment for these events. She took the children the next day and went to stay at a friend's house. On Friday morning, she was on her way to drop off the children at school and stopped at her apartment to pick up her son's knapsack. Mr. Montel was not supposed to be there.

When they arrived at the house, the victim told her son to get the knapsack while she used the bathroom. Mr. Montel came in through the back door and instructed his son to go wait in the car. He went into the bathroom and fatally stabbed his wife with a fishing knife. One of the wounds penetrated four to five inches into her lung, and another went through her colon to a depth of approximately eight to ten inches. After the murder, Mr. Montel went to the car, told the children that their mother was not feeling well, and dropped them off at school.

Later that morning, he went to the Springfield Police Department and told police that he thought he had killed his wife. In his statement, which included many lies about the murder, he said that, "she made my life miserable."

II. PAROLE HEARING ON FEBRUARY 23, 2012

Michael Montel appeared for his third parole hearing represented by Northeastern Student Attorney Eileen Kim. He was denied in 2006 with a three year review, and denied in 2009 with a three year review. The 2006 decision noted that Mr. Montel "shows little remorse, no insight and does not understand the meaning of taking responsibility for his actions." The 2009 decision recorded that Mr. Montel "has yet to take full responsibility for his crime," he "continues to have unresolved issues with controlling his anger," he "exhibited an explosive tendency when questioned." Mr. Montel had an improved performance at this hearing, as he for the first time gave more accurate information about the murder and his history of domestic violence against his wife.

A Board Member asked Mr. Montel about his poor performance at his last parole hearing. Mr. Montel readily admitted that "I took an aggressive posture at my last hearing; I was denied because I did not express remorse well and I took an aggressive tone at my hearing." A Board Member asked Mr. Montel about discrepancies in the different versions of the murder he has provided. Mr. Montel acknowledged that "I provided more details at different times; my version to police was not accurate; I wanted to take responsibility but I couldn't accept full responsibility; I did try to put blame on the victim; I tried to justify some actions."

Mr. Montel described his conduct two days before the murder, in which he went to the victim's house. He said, "I went to the house Wednesday to demand answers." He admitted that he confronted the victim while he displayed two knives and forced her to remain in her bedroom. The children were elsewhere in the apartment. He admits that he terrorized his wife for years, including during this incident. He eventually fell asleep in the bedroom. He said, "at the point I went to sleep, I was no longer in control of the situation." This perspective struck Board Members as that of a batterer who is still lacking insight.

Describing the murder, he said, "on Friday I went to the house to retrieve personal belongings; I saw she was there and my intentions changed" because he "wanted answers." A Board Member noted the degree of planning on Friday which evidences a plan to kill rather than a desire to "retrieve personal belongings" or "get some answers." The planning included going to the house one day after learning that the victim was going on a weekend with a man, arriving by taxi cab but sending the taxi away immediately, and telling their son to get in the car and keep quiet.

Board Members asked Mr. Montel about his domestic violence history. Mr. Montel provided the following information about his relationship with the victim: he threatened the victim "more times than I can count; I would always threaten, threaten physical violence, often by balling up my hand;" "I choked her, punched her, there were all kinds of things I did." He acknowledged that in 1988 "a marriage counselor told me I was a domestic abuser." He explained that "I was a mean and angry person to everybody; that was the character I portrayed and the way I lived." He acknowledged that there were hundreds of acts of abuse. He also admitted that he stalked the victim in the weeks preceding the murder. This was a new admission; at his 2009 hearing, Mr. Montel repeatedly denied that he stalked the victim.

Mr. Montel was asked about other criminal activity. He has many dismissed charges on his record, including assault and battery charges connected to restraining order violations. Mr. Montel said that "I did hang with some criminal types; I was there or in the vicinity of criminal activity; I was on the fringe with people and I did receive stolen goods."

Board Members questioned Mr. Montel about an aspect that was missing from his presentation: the impact on his children from extended domestic violence and the violent death of their mother as they waited in the car for her to come out of the house. Mr. Montel also failed to mention this tragic part of the case in his previous parole hearings. When asked why his statements related to remorse and responsibility did not mention the effects on his children, Mr. Montel said he did not do so because public mention of the children would "re-victimize" them. Board Members considered the answer to be disingenuous, and his failure to mention this impact as indicative of lack of rehabilitation.

Mr. Montel has one return to higher custody and has received 13 disciplinary reports: four for fighting; one for marijuana use (based on a positive drug test); and two for possessing objects that could be used as weapons. He has one disciplinary report since his 2009 parole hearing. Mr. Montel said that, "I was violent with friends, acquaintances, and neighbors; I used the same anger in prison."

In addition to improved behavior in prison, Mr. Montel has increased his program participation to a very active level. He has completed Alternatives to Violence (several phases), Family Violence Reduction, Active Listening, Problem Solving, Emotional Awareness, Fatherhood, ABLE Minds, and Jericho Circle. He received computer training and has numerous MassCor certificates for vocational proficiencies. Mr. Montel said that through the programs he better understands his anger: "it is a dominant emotion I deal with; I recognize anger coming on, it is a physical reaction; there are many ways to address it; I have plenty of practice dealing with it now."

The victim's father and sister spoke in opposition to parole. Several family members submitted opposition letters that were read at the hearing. Hampden Assistant District Attorney Dianne Dillon spoke in strong opposition to parole. Mr. Montel's parents, step brother, and a friend spoke in support.

III. DECISION

Michael Montel committed a domestic violence murder that was the culmination of years of angry, controlling, and violent behavior. At his first two parole hearings in 2006 and 2009, he demonstrated that he was not rehabilitated as he could not honestly describe the murder or the long history of domestic violence. At this hearing, for the first time, Mr. Montel showed more candor and insight in addressing his history of anger and violence. In addition, his program participation and behavior have improved significantly. As a Board Member noted at the hearing, "Your rehabilitation has begun because you now have been more candid and forthcoming with the Board; you had not started rehabilitation at the last hearing." This is significant positive step because Mr. Montel presents a very concerning picture: a domestic violence murderer who spent nearly two decades in prison without recognizing or addressing the anger and violence that make him a dangerous person. As a Board Member noted, the insights discussed at this hearing did not originate with Mr. Montel; these insights were made by Board Members at hearings in 2006 and 2009, but Mr. Montel resisted these insights until the 2012 hearing.

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. Underwood is not a suitable candidate for parole. Accordingly, parole is denied.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.

Josh Wall
Josh Wall, Chairman

May 3, 2013
Date