



PAROLE BOARD OF CANADA DECISION

OFFENDER INFORMATION :

Name : MUZZO, MARCO MICHAEL
Institution : [REDACTED] INSTITUTION

FPS : [REDACTED]
FILE NO : [REDACTED]

TYPE OF REVIEW :

- DAY PAROLE - PRE RELEASE (PANEL)
- FULL PAROLE - PRE RELEASE (PANEL)

PANEL INFORMATION :

OBSERVER (S) PRESENT (except during deliberations) : YES
EXCLUDED FROM PART OF HEARING : NO
REASON :

ASSISTANT PRESENT : YES
ELDER /ADVISOR : NO

FINAL DECISIONS :

DAY PAROLE - PRE RELEASE	DENIED	2018-11-07
FULL PAROLE - PRE RELEASE	DENIED	2018-11-07

LEAVE PRIVILEGES : NOT APPLICABLE

SPECIAL CONDITIONS : NOT APPLICABLE

PREVIOUSLY IMPOSED SPECIAL CONDITION(S) STILL IN EFFECT : NOT APPLICABLE

NEW INFORMATION SHARED WITH THE OFFENDER : NOT APPLICABLE

REASONS FOR DECISION(S) :

The Parole Board of Canada (the Board) reviewed your case by way of a panel hearing to make a decision about your day and full parole.

To make its decision, the Board must determine whether you will not, by re-offending, present an undue risk to society before the expiration of your sentence. The Board must also consider whether your release will contribute to the protection of society by facilitating your reintegration into society as a law-abiding citizen.

While you have not submitted any written comments for our consideration, the Board notes the voluntary course completion certificates, letters related to your employment performance and your

Decision Accessed



application for parole. The Board is also mindful of the strong support you have from family and friends in the community.

The Board has also considered the victim impact statements on file and those presented at the hearing which outline the tragic loss of life. It is evident that these events, have forever altered the lives of the surviving family members. The senseless deaths of a grandfather and his three grandchildren shocked the community and the remaining family have been left to struggle with the consequences of your criminal offending.

After taking the following information into consideration the Board has decided to deny both day and full parole.

The Board describes its reasons below.

You are a 32 year old first time federal offender serving a sentence of 9 years and 4 months for Impaired Driving – Cause Death (X4) and Impaired Driving – Cause Bodily Harm (X2). At sentencing, the Judge imposed a \$1200.00 victim surcharge and a 12-year driving prohibition. Serious harm as defined by legislation is deemed to have occurred during the commission of your index offences.

On September 27, 2015, you drove your vehicle, a Jeep, through a stop sign at a high rate of speed. Your vehicle struck a van, which was proceeding lawfully through the intersection. The point of impact was on the driver's side of the van in what has been described as a "T-bone motor vehicle collision". While you were the lone occupant of your vehicle, the van had six passengers including three adults and three children. Due to the violent nature of the collision, the adult male and his three young grandchildren were killed. The two female passengers suffered severe but non-life threatening injuries. There was a third vehicle, an SUV, which was also struck by your Jeep but fortunately, the occupants were uninjured.

Following the collision, you remained at the scene where a witness noted that you had glossy eyes and appeared to be under the influence of alcohol. As well, the first police officer on the scene observed that you were unsteady on your feet, had glossy eyes, attempted to use people to keep your balance and were having a difficult time comprehending directions. The officer also noted that you had urinated yourself and had the odour of alcohol coming from your breath. You were arrested for Impaired Operation of a Motor Vehicle and were later advised at the police station that the charges were being upgraded to Impaired Driving Causing Death. You provided for two breath samples about 20 minutes apart, which resulted in the readings of 192mgs of alcohol in 100mls of blood and 204mgs of alcohol in 100mls of blood respectively.

In March 2016, you pled guilty to the above noted four counts of Impaired Driving Causing Death and the two counts of Impaired Driving Causing Bodily Harm. The Board notes subsequent to your guilty plea, you spent three weeks on bail which you completed successfully with no noted concerns.

In the Judge's Reasons for Sentencing, a number of significant aggravating factors were described. She noted your choice to drink and drive with a blood alcohol level over twice the legal limit and within the range of three times the legal limit; you were speeding and ignored a clearly marked stop sign; you had a lengthy prior record of driving infractions, which showed an irresponsible attitude towards the privilege of driving and finally, your offending resulted in the death of four people, serious injuries to two others and a monumental impact to the family of the victims.

The Judge also outlined mitigating factors including your early guilty plea, your genuine



expression of remorse and regret, the lack of a previous criminal record and the absence of any evidence suggestive of substance abuse or mental health issues. She also noted your good character and strong support from family and friends.

In discussing the index offences, you advised the Board that you had travelled to Miami with a group of friends and family to celebrate your upcoming marriage. You described your bachelor party as a subdued affair which consisted of dinners, days by the pool and drinking in the hotel bar. In your view there was no out of control partying but you conceded on the night before your return to Canada that you and some other guests were drinking until three in the morning. Today and in prior reporting, you described this particular evening as the one in which you drank the most you ever had in your life. Despite your excessive consumption, you maintain you were aware of your circumstances and were in control.

On the morning of the fatal collision, you woke early and boarded a bus to the Miami airport where you returned to Toronto by private charter. You described yourself as feeling foggy with a bit of a headache that morning, which could be attributed to the drinking and lack of sleep. Once on the plane, you advised that on a "spur of the moment" you had one caesar, which led to two or three more. While unsure as to the exact number, you felt confident it was no more than four.

In file information and reporting to others, you described yourself as not feeling impaired when you made the decision to drive home from the airport. Today, you qualified those comments and admitted you knew your sobriety might be an issue but that you decided to "take a chance". You felt you might have been impaired to a small degree but were confident that you could drive. You advised you should have known better. You indicated you gave no consideration to alternate forms of travel home, admitting you could have taken a cab, a limousine, driven with a sober colleague or could have been picked up by someone who had not been drinking.

You indicated you took Highway 427 from the airport but to avoid traffic, you cut across to Kipling and headed north. You remember the windows were open and that the music was on; you described yourself as daydreaming just prior to the impact. You admitted to speeding prior to the collision and described hitting the midpoint of the van. You do not dispute the speed at impact which is believed to have been 85 kilometres per hour. You described blowing through the stop sign and broadsiding the van. You knew immediately that the collision was serious and you ran to the van to check on the victims.

We discussed your physical condition at the scene as noted by witnesses and police. While you now accept you were impaired at the time of the collision, you continue to minimize the severity by indicating that many of your behaviours and responses were the result of shock as much as they were due to alcohol consumption. You claim you were shocked by the alcohol readings of 190mgs and 204mgs. You understand that the police extrapolated the reading at the time of impact to a range of 190mgs to 246mgs. Despite this, you continue to maintain that while impaired, you do not feel it was to the degree those numbers would otherwise reflect.

You have no prior criminal history according to your CPIC. However, there are Highway Traffic Act (HTA) violations noted beginning in 2003. You have been found guilty of speeding on 10 occasions, with the most recent from August 2013. As well, in November 2012 and May 2015, you were found guilty of other unidentified driving infractions; you claimed that the May 2015 incident involved you using a cell phone while driving.

In discussing your propensity for speeding, you admitted that as a matter of course, you tend to drive 20 kilometres per hour over the posted limit. You recognize that on many of your speeding offences, the actual speed on the tickets had been reduced, most often to the point where there were no demerit points incurred. You accepted the speeding tickets were the cost of doing



business and as the only consequences were minimal fines, they had little impact on altering your driving behaviour. You advised that speed did contribute to the collision but in your view, alcohol consumption was the overwhelming factor.

You reported a positive upbringing free of any form of abuse. When you were in your teen years, you experienced some difficult times when your father and both grandfathers passed away over a two-year period. You reported that you tried to remain strong for your family to assist in easing the burden on your mother. The loss of these three individuals made you grow even closer to your family and you continue to have strong relationships with family members. You have been in a long-term relationship with your fiancée since high school. You were planning to marry, but due to the offences, the wedding was cancelled. You continue to be engaged and plan to marry in the future. The Board also notes you have a stellar work history in the community and are respected for your commitment and work ethic. The Board finds that your close relationship with your family, pro-social supports and fellow co-workers to be positive factors in your case.

You denied any past or present issues with drugs indicating that you have never tried any illegal drugs and have never experienced any difficulties with prescription medication abuse. In terms of alcohol use, you indicated that you are a social drinker and usually consume about six to eight glasses of wine per week. You claimed that your alcohol consumption was always with a meal and in the company of family, friends and/or business associates. You reported that you rarely consumed liquor or beer.

We spoke in some depth about alcohol consumption and you initially described yourself as a fairly conservative and responsible drinker. This response was consistent with file information and reporting from family and friends. The overall impression from anecdotal accounts from your supports and the documented conclusions from Dr. Glancy tended to support your contention. That said, your responses while completing the Computerized Assessment for Substance Abuse (CASA) suggested you were underestimating the seriousness of your alcohol issue and the report concluded that you could benefit from a low intensity substance abuse program.

As we examined the alcohol issue in some detail however, it became evident to the Board (and perhaps to yourself) that your alcohol abuse or misuse was more serious. Contrary to file information describing your drinking patterns as a single glass of wine at dinners or at lunch meetings, we learned today, you tended to drink to excess, or in your words, “get wasted” on your birthdays, and that while you have never blacked out, you have been significantly drunk on more than 10 but less than 20 occasions. You report there were times where you were embarrassed or regretted your behaviours and decisions while under the influence of alcohol.

You admitted that you had driven while impaired in the past and although doing so, you minimized the seriousness of the offending by suggesting it was only “a small handful of times”. Of concern, you advised the Board you felt you would need to consume eight or nine drinks before you would consider yourself impaired in the context of driving. When pressed on this issue, you altered your response indicating you believe eight or nine drinks would make you “wasted”. In any event, in our view, it was clear you lack insight into the volume and frequency of your drinking and the risk it poses for you and others.

Throughout the hearing, you struggled with the issue of impairment as it related to the fatal collision and as it impacted your life in social settings. While accepting that alcohol was the key factor in the index offence and while you admitted you had engaged in binge drinking prior to the collision and on many occasions in the past, you remained insistent you were not an addict. You claimed you did not crave alcohol, could live without it and were adamant that it would no longer be a part of your life moving forward. When pressed, you reluctantly admitted you may have underestimated the severity of alcohol abuse or misuse in your life, indicating your



underestimation was “to a small degree”. Again, your lack of understanding as to how alcohol has negatively impacted your life is of concern.

Your underestimation of an alcohol issue and your unwillingness to be transparent about the issue with yourself and those charged with your supervision and reintegration, is perhaps best evidenced by a 2012 altercation at a Vaughn nightclub. File information reports that you and a friend attended a bar but were denied entry due to your level of intoxication. When you were denied entry, you and your friend began to fight with the bouncers and also threatened their lives. Police attended the scene and arrested you; you were reported to be belligerent and rude to the police, refused to follow their instructions and yelled at them. Once you were placed in the rear seat of the police car, you made several attempts to kick the windows out. While the bar staff declined to press criminal charges, you were charged with being intoxicated in a public place. You were then held in police custody until someone who could take charge and care of you arrived at the station to take you home.

In discussing this incident it was clear you were embarrassed by your behaviour. You suggested your actions that night were not in keeping with your character but when you were challenged about this incident and the similarity of impairment at the fatal collision, you accepted more responsibility. In fact you eventually described the 2012 incident as the event that led you to change your alcohol consumption habits from that moment until the fatal collision in 2015.

From the Board's file review, it was evident that this incident was never considered in your criminal sentencing, was never a subject of discussion with Dr. Glancy and until very close to your parole hearing, it had never been the subject of examination or consideration with your case management team (CMT) and those who worked with you in the institution. You initially suggested you had simply forgotten the incident and claimed you were shocked when it was brought to your attention. It took some time, but as we continued to discuss the issue, you finally admitted you were hoping that the incident would never be discovered. Based on our discussion with you and your reluctant admissions, it would seem you were trying to present yourself as a modest and responsible drinker who had simply made a terrible mistake on the day of the fatal collision. In the Board's view, you intentionally failed to disclose key information as you were hoping to paint yourself in a better light. In reality, you were simply impeding the progress you might have otherwise made.

You have not had problematic institutional behaviour with any major noted institutional adjustment or security concerns. You are currently assessed as a minimum security offender and have been so designated for over the period of a year. The Statistical Information on Recidivism (SIR) score of 15 indicates that four out of five offenders will not commit an indictable offence after release.

The Psychiatric Assessment with Dr. Glancy, which was completed for sentencing, noted that there was no evidence that you have an Anti-Social Personality Disorder or Psychopathy and there was a clear indication of the absence of anti-social attitudes and values. You have demonstrated moderate symptoms of Post Traumatic Stress Disorder (PTSD), and mild symptoms of anxiety and depression, which are related to your offence and current predicament. Overall, the Psychiatric Assessment assessed you as a low risk for recidivism.

Your current Correctional Plan assessed your level of intervention for static factors as high and your level of intervention for dynamic factors as low. Substance abuse and personal/emotional are assessed as low need areas for intervention. Associates, community functioning and attitude are considered to be of no immediate need. Education/employment and marital/family are considered to be assets to community adjustment. Accountability, motivation and reintegration potential are rated high. You are considered to be engaged in your Correctional Plan and were not required to complete correctional programming. You are employed within the institution and



have received positive work reports. You have participated in voluntary programming through the chapel including Overcomers, Alternatives to Violence and the Principles of Restorative Justice. Reports indicate that you recognize that a problem exists with your choices and decisions and the resulting consequences. As well, you are reported to be very aware of the impact your offending has had and you feel personally responsible for the offences you committed. You attempted to engage in psychological counselling while incarcerated. Reports indicate that you presented as being in satisfactory mental health using positive coping skills to manage your emotions around your index offences. Therefore, no further follow-up was considered as being required.

In discussing your institutional experience, you admitted your incarceration was initially very difficult but noted you have adapted and focused on working with your CMT to prepare for your eventual release. You talked about the Alternatives to Violence experience as positive and indicated the work you completed has helped you come to terms with some of the emotional issues you continue to face.

You discussed your participation in voluntary 12-Step programs at your hearing. While at the assessment unit, and after discussions with the individual facilitating the sessions, you concluded that Alcoholics Anonymous was not a right fit for you. You briefly participated in the Overcomers group, a Christian based 12-Step program, later in your sentence. You told the Board that you benefited from reading the literature provided, however you were not working the 12-Steps in a traditional sense. While the Board gives you credit for your participation in these interventions, we question the gains you may have made in light of your ongoing lack of insight into your largely unaddressed risk factors.

You were approved and have participated in escorted temporary absences (ETA) for community service purposes. File information reports that you have participated in approximately 25 ETAs with no noted concerns and positive feedback. Your ETAs were to participate in the Community Service Volunteer Group (CSVG), which assists community groups with various service projects. You described the positive aspects of working for the CSVG, outlining how you found it rewarding to give back to the community. You are currently engaged in a second series of ETAs with the community service group.

The Correctional Service of Canada (CSC) supports you for both a day and full parole release. However, there are dissenting opinions on your case. This limited the support you were able to garner in the community for conditional release. There were comments as to what was perceived as premature timing for your application for day and full parole; issues with the publicity surrounding your case due to the high profile status and how it would negatively impact on your rehabilitation, the various community residential facilities (CRF), their clients and their communities; concerns with a lack of treatment for your emotional needs related to the collision and the absence of substance abuse treatment.

Your CMT went to great lengths to garner support for your release back into the community on day parole and eventually full parole. In some cases, you had CRF support but not that of the community, in others the opposite was true. Ultimately, although very late in coming, you received community and CRF support. That said, the police in this particular area are opposed to your release due to public safety concerns.

The Board notes your release plan includes an offer of employment and a willingness to engage in treatment and programming as recommended. The CRF in question would also be close enough to your home location to allow your family and friends to provide you with support in the community.

Your plan for full parole is to reside with your fiancé at your residence. A community assessment



(CA) completed considers her to be a positive community support. You would work for your company's nearby head office and utilize colleagues, family and friends for transportation to and from work. You have a number of community supports that are considered to be pro-social including family, friends and co-workers.

The CSC recommends both day and full parole and in doing so, they have recommended special conditions to be imposed on your release. These conditions would require you to not consume, purchase or possess alcohol, to avoid drinking establishments, to avoid the victims and a motor vehicle restriction.

Following a thorough file review and subsequent to listening to your comments and those of your institutional parole officer and assistant, the Board has decided to deny both day and full parole.

In doing so, the Board is mindful of the fact that you have, for the most part, lived a pro-social and productive life. Your employment history as noted, has been stellar throughout the years and that ethic and commitment to work well with others has been demonstrated throughout your period of incarceration. You have shown through your volunteer work with the CSVG that you are willing and capable of making a positive contribution to the community. The Board is also mindful of your strong community supports which include, your fiancé, family and friends. It was evident during the hearing that you continue to enjoy their love and support and that moving forward, they will serve as a protective factor for you. The Board also recognizes that while you have not received core programming in the institution, you have participated in some voluntary courses which you feel have helped you to come to terms with your actions and which you believe have provided you some insight into how you need to carry and manage yourself when you next return to the community. Finally, the Board notes your remorse and regret as genuine. There were several times during the hearing where you had difficulty controlling your emotions as you described your understanding of the absolute devastation you have caused the victims' family. You appear to understand the pain you caused.

In reaching the decision to deny conditional release, the Board weighed the positive aspects of your circumstances against the severity of your offending and the risk you continue to pose to the community. The Board must remain mindful that your ill-considered and selfish decisions led to the needless death of four innocent people.

As was indicated at the conclusion of your hearing, the Board is of the belief that you have sabotaged your progress while under sentence by severely underestimating your issues with alcohol. Your CASA results spoke to this issue and as we progressed through the hearing, those conclusions became quite evident. Your unwillingness to share the details of your 2012 encounter with police while heavily intoxicated, speaks to a lack of transparency with those trying to help you.

You have maintained from the very outset that you are not addicted to alcohol and while this may be true, your continued rigidity and lack of insight as to what that definition may mean has prevented you from recognizing that an actual problem exists. During the hearing, for the first time since you were arrested, you outlined a significant history of binge drinking and this, coupled with your lack of understanding of the issue of impairment, leads the Board to conclude your risk remains undue. Your contention (even at this late date), that you believe eight or nine drinks would be required to make you impaired, speaks volume in this regard. Finally, your admissions that you do not know what your triggers or risk factors are when it comes to alcohol abuse or misuse, reflect the very real need for programming.

Ideally, the Board would like to have seen evidence of some program completion designed to address substance abuse or misuse so as to address your deficits in this regard. The Board



would have also liked to have seen some evidence of interventions to deal with your moderate symptoms of PTSD for in its absence, we remain unclear on how you will deal with coping with the reality of your offending when you return to a community setting. The Board notes your willingness to engage in programming as recommended in the community, but in our view, in light of the severity of the offending and your ongoing lack of insight, the Board feels your programming needs to occur prior to further consideration of a day or full parole release.

The Board would encourage you to meet with your CMT and have a continuation of the candid discussion you began at your hearing today. Doing so, will enable them, and more importantly you, to develop effective forms of intervention to deal with emotions management and substance abuse or misuse.

DECISION(S) AND VOTES :

DAY PAROLE - PRE RELEASE **DENIED** **2018-11-07**

Board Member	Vote	Vote Date
CORCORAN, K	DENIED	2018-11-07
SULLIVAN, C	DENIED	2018-11-07

FULL PAROLE - PRE RELEASE **DENIED** **2018-11-07**

Board Member	Vote	Vote Date
CORCORAN, K	DENIED	2018-11-07
SULLIVAN, C	DENIED	2018-11-07

SIGNATURES :

CORCORAN, K

Board Member Signature Date

SULLIVAN, C

Board Member Signature Date