



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

PHILIP HEARTLEY

W55563

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 13, 2011

DATE OF DECISION: May 11, 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: Re-Parole after successful completion of one year in lower security (program compliant and no disciplinary issues). The decision is unanimous.

I. STATEMENT OF THE CASE

On April 24, 1993, at approximately 8:30 p.m., Philip Heartley attempted to rob Lennie Lee Brown in a Springfield park by grabbing a paper bag from the victim's hands. Mr. Brown resisted, and Mr. Heartley stabbed him once in the chest. The two men knew each other. Mr. Heartley had been drinking and using drugs throughout the day. Mr. Heartley was 25 years old and the victim was 32 years old. Springfield Police arrested Mr. Heartley approximately ten days later. Mr. Heartley pled guilty to second-degree murder on December 7, 1993.

This is Mr. Heartley's first incarceration. He does have prior arrests and a prior conviction for receiving a stolen motor vehicle.

II. PAROLE AND INSTITUTIONAL HISTORY

The Parole Board granted parole to Mr. Heartley after his first hearing in March 2008. After completing six months in pre-release, Mr. Heartley was released on parole on November 25, 2009 to the Wyman Re-Entry Center in Boston. Mr. Heartley successfully completed the program on March 1, 2010 at which point he moved on to the Yetman House sober home in Jamaica Plain and maintained employment at the Long Island Shelter's kitchen. From March until December 2010, Mr. Heartley appeared to be doing very well on parole. He received a certificate of recognition from the Long Island Shelter, a certificate of completion from the Wyman Re-Entry Center, a certificate of participation from the Boston Health Care for the Homeless Program, a certificate of appreciation as a Wise Guy Graduate, and a certificate for completing the Serving Ourselves Program.

In December 2010, Mr. Heartley moved to Lunenburg to reside with his girlfriend and her four children. His girlfriend was pregnant with their child and gave birth in January 2011. He obtained employment in the area. In March 2011, Mr. Heartley relapsed and admitted to cocaine use. After a positive drug test, Mr. Heartley was returned to MCI Cedar Junction as a parole violator. He was provisionally revoked in April 2011 and revocation was affirmed in September 2011.

III. FACTORS RELEVANT TO RE-PAROLE DECISION

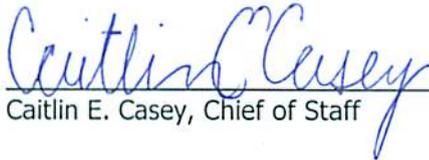
1. Mr. Heartley successfully completed re-entry and various other programs upon parole on November 25, 2009.
2. By all accounts subject had been doing very well on parole, was in compliance with the conditions of his release and had maintained a positive relationship with his Parole Officer. The Wyman Re-entry Center and the Long Island Shelter gave Mr. Heartley the highest marks for his performance.
3. At his hearing, Mr. Heartley demonstrated candor and accountability in addressing his shortcomings while on parole as well as insight into the causative factors for his actions; he did not minimize the challenges of his substance abuse and expressed the importance of continued diligence in maintaining sobriety; he showed understanding of the importance of honesty in parole supervision and his renewed commitment to positive re-integration.
4. Upon his return to custody, Mr. Heartley re-engaged in meaningful program participation (including Smart Recovery and Men's Circle) and maintained good institutional conduct.
5. Mr. Heartley was a successful parolee for the approximate 16 months before his violation; he maintained employment, completed a long-term residential program and relied on his support network to help him solve re-integration issues such as housing.
6. He has strong, solid community support as evidenced by his supporters and his fiancé who continues to provide a supportive, positive home environment and he will be able to maintain his employment.

IV. DECISION

Accordingly, it is the unanimous opinion of the Board that Mr. Heartley's release on parole is not incompatible with the welfare of society and it is reasonably probable that he will not commit a criminal offense if released. Overall, Mr. Heartley demonstrated significant success while on parole and showed no signs that he presents a current risk for violence. His relapse did not involve an act of anger or violence, and he has served the last 15 years of incarceration without a disciplinary report. Mr. Heartley displayed consistent pro-social behavior on parole, had solid achievements with employment, developed positive relationships, and was consistently receptive to parole supervision. He has been re-incarcerated on the violation for one year; that serves as sufficient punishment to hold Mr. Heartley accountable for the violation. The Board includes conditions in this decision designed to assist Mr. Heartley in making a successful re-entry to the community without a drug relapse.

SPECIAL CONDITIONS: Release to approved home plan after successfully completion of one year in lower security without disciplinary incident and in compliance with recommended programs and activities; no drug or alcohol use; substance abuse evaluation by Parole's substance abuse counselor with requirement to follow recommended treatment plan; AA or NA 3 times per week with sponsor; no contact with victim's family.

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

5/11/12
Date