



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

**GARY HENNIG
W31945**

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: October 13, 2011

DATE OF DECISION: March 15, 2013

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

DECISION OF THE BOARD: Reserve to Home Plan which meets Parole Board specifications on or after March 29, 2013. The decision is unanimous.

I. INTRODUCTION

Gary Hennig (formerly known as Herbert F. Peacock) appeared before the Massachusetts Parole Board on October 13, 2011, for a review hearing on a life sentence for second degree murder. A Suffolk Superior Court jury convicted Mr. Hennig on November 8, 1968 for the murder of Thomas Kennedy.

II. STATEMENT OF THE CASE

On March 2, 1968, Gary Hennig, age 24, murdered 73-year-old Thomas Kennedy in an apartment on Appleton Street in Boston. Mr. Hennig stabbed Mr. Kennedy numerous times while Mr. Kennedy was sitting in a chair.

Prior to the murder, Mr. Hennig, who had been drinking with a group of men, passed out or went to sleep on a bed. At around 1:30 a.m., he woke up and muttered that he was "blind." He stood up from the bed, made the sign of the cross, and said, "God forgive me." He then attacked Mr. Kennedy, punching and then stabbing him. One of the stab wounds was to Mr. Kennedy's neck. Mr. Hennig was "very calm" following the attack and stated, "God forgive

me, I don't know what I have done." Timothy DeMille, a witness, observed that Mr. Hennig did not appear to be "in his right mind."

The men then left the apartment and went to Warren Street. At that time, Mr. DeMille and Gerald Fortin left Mr. Hennig and went to Boston Police Headquarters to report what had happened and to help identify Mr. Hennig as the perpetrator. Soon after, Mr. Hennig went back to the Appleton Street apartment and was met there by police. At the time, he said he had no memory of the stabbing.

Since then, however, Mr. Hennig says he has come to recall the stabbing and describes it as "senseless." He has explained that while he was stabbing Mr. Kennedy, he was envisioning his father, who had been extremely abusive toward him as a child. Mr. Hennig has also stressed that while there were other men present at the time of the murder, he acted alone, and that none of the other men were involved in any way.

While awaiting trial, Mr. Hennig escaped from the Charles Street Jail. In April 1969, he pleaded guilty to escape and received a concurrent sentence of 3 to 5 years. He was also sentenced on that day to a concurrent sentence of 8 to 10 years for assault and battery with a dangerous weapon. The Parole Board does not have information on the facts of that case.

III. PAROLE AND INSTITUTIONAL HISTORY

Gary Hennig first appeared before the Parole Board in June of 1985. He had been subsequently denied parole following hearings in 1986, 1988, 1989, 1990, 1993, and 1999. The Board noted the nature of his offense, marginal institutional adjustment, alcohol issues, and two previous escapes on his record. In 1979, Mr. Hennig escaped while on furlough and was located in Texas thirteen months later. In May, 1985, while at Boston Pre-release, Mr. Hennig failed to return from a work release and was on escape status for two hours. The Board requested and received mental health evaluations in 1989 and 1999. He received approximately 30 disciplinary reports during his incarceration.

Following a review hearing held on May 4, 2004, the Board voted to parole Mr. Hennig to Project Turnabout on or after June 29, 2004. He was paroled on July 23, 2004. The record reflects that following Project Turnabout, he transferred to the Bridge House in Framingham in September, 2004. In spite of medical problems and some housing issues, Mr. Hennig was compliant with the terms of his parole until his parole violation in March, 2011. He lived alone on a farm that employed him, primarily for caretaking of property and horses. He was revoked for allegations of irresponsible conduct for possessing a pocket knife and for contacting an assistant district attorney by phone. Mr. Hennig maintains that he routinely carried the pocket knife as part of his job on the farm where he worked, and that he contacted the ADA seeking her advice on a book he planned to write.

IV. PAROLE HEARING ON OCTOBER 13, 2011

Mr. Hennig, age 68, appeared before the Board seeking parole from his return to custody. Attorney John Rull represented him. Board Members questioned him at length regarding the circumstances leading to his violation, his behavior on parole, his mental health status, and his post release plans should he be re-paroled. Mr. Hennig presented as

forthcoming in his answers to the Board, particularly involving the two specific violations for which he was returned. He explained that he worked on a farm, routinely carried a pocket knife in the performance of his duties, that it was found during his work hours, and that he had access to numerous other tools. This was confirmed by his employer. Regarding his contact with the assistant district attorney, Mr. Hennig explained she had previously represented him at his parole hearings before she became a prosecutor, and that he had obtained her contact information through public means, via the Board of Bar Overseers. Mr. Hennig also explained that he had no knowledge that she was currently an assistant district attorney and, more importantly, that the contact was innocuous, non-threatening and simply in regard to research for a potential book. He informed the Board that she had mentioned that he should write a book while she represented him. He was following up on her suggestion. There was no contrary evidence presented to the Board.

Since his return to custody as a parole violator, Mr. Hennig has completed Alternatives to Violence/Non-Conflict Resolution and has not received a disciplinary report. There were numerous people present in support of his parole. Five people who had direct interaction with Mr. Hennig while he was on parole testified regarding his daily routine and behavior while in the community. His employer and landlord testified favorably on his behalf, detailing his conduct at work and in the community. By all accounts, Mr. Hennig had been compliant with all of the conditions of his parole without incident for nearly seven years, with no graduated sanctions or prior violations. Mr. Hennig appears to have maintained sobriety since 1985, has attended AA regularly, and has routinely been tested, always with negative results. Mr. Hennig underwent a psychological evaluation on April 4, 2011, which reported no evidence of major mental illness, no indication of required psychological medication, and no presentment of risk of harm to himself or others.

V. DECISION

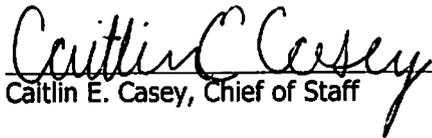
Gary Hennig's situation presented conflicting information for the Board. He committed a brutal, violent murder; to this day he has no explanation for this violent episode. He has, however, shown no inclination to repeat that violence. Most importantly, he lived peacefully in the community for seven years on parole. His existence was solitary, but law abiding. He developed positive relationships with the few people with whom he associated.

The Parole Board deliberated the case several times and monitored Mr. Hennig's prison conduct over the past 16 months before accumulating enough information to make a decision that protects the public and is fair to Mr. Hennig. In a final deliberation, the Board concluded recently that Mr. Hennig has demonstrated his rehabilitation in his seven years on parole and his two years of re-incarceration. The period of re-incarceration also provides a period of observation and monitoring that confirms Mr. Hennig's reform.

Mr. Hennig may not be able to explain his rehabilitation, but he has established it through years of non-violent and non-criminal conduct. He shows no current risk for violence or re-offense. He can return to the stable living and work situations from his previous parole. Under these circumstances, his re-parole is compatible with the welfare of society. Accordingly, re-parole is granted.

SPECIAL CONDITIONS: Parole to Home Plan on or after March 29, 2013; no alcohol use; no drug use; AA or NA twice a week; one-on-one counseling for six months minimum to address readjustment issues, and thereafter counseling if needed based on counselor's recommendation; GPS monitoring for six months minimum, and thereafter at parole officer discretion; no contact with lawyer connected to parole violation.

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

3/15/13
Date