



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

LAWRENCE MANNING

W40467

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 17, 2012

DATE OF DECISION: June 17, 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: After careful consideration of all relevant facts, including the nature of the underlying offenses, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years. The decision is unanimous.

I. INTRODUCTION

Lawrence Manning appeared before the Massachusetts Parole Board on July 17, 2012 for a review hearing. After careful consideration of all relevant facts, including the nature of the underlying offense, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time.

II. STATEMENT OF FACTS

On April 19, 1982, the victim,¹ a nineteen year old student at Hampshire College, located in Amherst, Massachusetts, was studying alone on the grounds of the campus. Lawrence Manning and his brother, Robert Manning, stopped their van near the victim and

¹ The name of the sexual assault victim is withheld. See G.L. c. 265, § 24C.

asked her for directions to apartments located on campus and left. They returned a short time later telling the victim that they were lost, needed more detailed directions, and pointed toward the condominiums. At that point, Robert Manning left the van and grabbed the victim from behind. The van door opened and Lawrence Manning grabbed the victim's legs. The Mannings then threw the victim into the van.

Robert Manning remained in the back of the van with the victim who was struggling and screaming while Lawrence Manning drove the van. In an effort to subdue the victim, Robert repeatedly hit the victim in the head with a pipe, causing a deep laceration. Robert Manning sexually assaulted the victim and then forced her to pose in pornographic positions while he took Polaroid photos. Lawrence switched positions with Robert, and sexually assaulted the victim multiple times while Robert drove the van. The brothers switched positions again and Robert committed another sexual assault. During the course of this lengthy sexual assault, the Mannings prevented the victim from escaping and continued to punch the victim and threaten her with death. They took the victim through a wooded area and down to a river. For an extended period of time, the victim desperately tried to convince the Mannings that she would not go to police or tell anyone. Lawrence Manning told the victim that if she went to the police they would come after her. Eventually, the Mannings released the victim near Hampshire College. The victim was brutalized by the Mannings for nearly two hours before they released her.

On April 17, 1984, Mr. Manning pled guilty to aggravated rape and kidnapping and on May 11, 1984, he was sentenced to two concurrent life sentences for aggravated rape. He also received a 7-10 year concurrent sentence for kidnapping. His co-defendant in this case, Robert Manning, is serving life sentences. More recently, Robert Manning filed a post-conviction motion seeking to vacate his guilty pleas. He claimed he was incompetent at the time of the plea. A Superior Court judge denied the motion without an evidentiary hearing, and the Appeals Court affirmed that decision. *Commonwealth v. Manning*, 66 Mass. App. 1107 (2006).

III. INSTITUTIONAL ADJUSTMENT

Lawrence Manning was 29 years old at the time of the offense. He is 60 years old and serving his first incarceration. Mr. Manning has received six disciplinary reports.

He is incarcerated at NCCI-Gardner and is not currently engaged in any programming. He received his GED in 1983 and an Associate's Degree in General Studies from Mount Wachusett Community College. He became a certified optician in 2011 and is currently employed in the Optical Shop. He does not attend AA/NA on a consistent basis.

The Sex Offender Treatment Program at the Department of Correction includes the coursework and a final evaluation to determine if the offender has made sufficient progress. Mr. Manning completed the coursework, but did not pass the evaluation. He appeared before the Treatment Review Panel in 2008. The Review Panel determined that while he had participated in treatment he "was not able to present an integrated and coherent understanding of his offending and deviance leading up to the offense. . He also, despite a lengthy course of treatment, showed ambivalence about his responsibility for the offense." He did not, therefore, complete the program. In 1985, a judge determined that Mr. Manning did not meet the legal criteria for civil commitment as a Sexually Dangerous Person.

Following his arrest, Mr. Manning was sent to Bridgewater State Hospital due to a suicide attempt. It is documented that he had a history of emotional instability with no intervention. In 2002, he was diagnosed with Avoidant Personality Disorder and received some psychological services. Mr. Manning is not currently an open mental health case.

Mr. Manning struggled with alcohol for fifteen years prior to his incarceration. He did experiment with marijuana and other drugs. In April 1991, he received a disciplinary report for drinking beer while on a Department of Public Works crew at MCI-Lancaster. According to Mr. Manning, drugs or alcohol did not play a role in the commission of the current offense.

IV. PRIOR PAROLE HEARINGS

Lawrence Manning has appeared before the Parole Board on July 21, 1997, July 25, 2002, and July 24, 2007. Each time the Board voted to deny his parole for five years. In 1997, the Board noted that Mr. Manning "takes little responsibility for the offense and is not involved in sex offender counseling." In 2002, the Board wrote that "Inmate has started sex offender treatment program in past year; he still appears to minimize his actions during crime." In its 2007 decision, the Board recorded that "Mr. Manning does not take responsibility for many aspects of this crime nor did he show any true remorse for his actions."

V. PAROLE HEARING ON JULY 17, 2012

This is Mr. Manning's fourth appearance before the Parole Board. He seeks a parole to Arizona through the interstate compact to reside with his sister. Alternatively, he is willing to enter and complete a residential program in Massachusetts and utilize re-entry services. He would continue with the Sex Offender Treatment Program and seek counseling on an as-needed basis.

Mr. Manning gave the following account of the crime. He and his brother had been discussing and planning to abduct and sexually assault a woman. The planning had been going on for "several weeks, maybe a couple of months." The Manning brothers had searched for a victim several times on previous nights. They would drive to malls and parking lots looking for a woman to abduct. On this evening, they were looking for a woman to abduct when they drove by the victim. "We stopped the van with the intent to abduct her. We asked directions to gain her trust." The brothers drove away, but decided to go back after agreeing to go through with the abduction. They found the victim again, and both men forced her into the back of the van. While Lawrence drove, Robert beat the victim and sexually assaulted her. Lawrence stopped the van in a parking lot so the brothers could switch positions. Lawrence "made her perform fellatio and then I raped her." The victim told Lawrence, "I'm a person. Don't you have a heart?"

A Board Member mentioned that the Manning brothers had stocked the van with items, including a shovel, for use in the crime. Mr. Manning admitted that they "stocked the van with a mattress and a Polaroid camera." He denied that the shovel was part of the planning and he denied that their plan included killing the victim after the sexual assault.

Mr. Manning currently works in the optical shop, but is not involved in any rehabilitative programs. He said he could reapply for the sex offender treatment program in late 2013. He said he had not intended to reapply, but the program has been changed so now he may reapply. He does not attend AA/NA, but said he had done so "sporadically" in the past. He occasionally asks to see a counselor due to some depression.

A Board Member asked about Mr. Manning's other victims. Mr. Manning said that he had no other sexual assaults, but had disclosed in Sex Offender Treatment that he had sex with prostitutes between ten and twelve times. A Board Member pointed out that Mr. Manning's sister had testified at Robert Manning's trial that Lawrence Manning sexually assaulted her frequently over the course of six years. Mr. Manning responded that he had only two incidents of assaulting his sister and he did not know why his sister said it happened for six years.

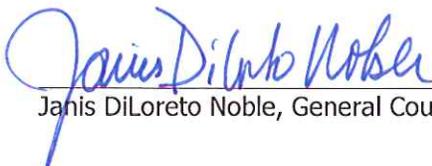
The Northwestern District Attorney's Office appeared in opposition of parole. The victim submitted a letter in opposition to parole. Mr. Manning had no supporters of parole in attendance; however, his sister and niece did provide letters in support of parole.

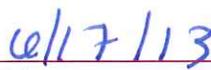
VI. DECISION

Lawrence Manning committed a vicious sexual assault that included planning, targeting, joint venture, abduction, kidnapping, beating, use of a weapon, intentional terror, and multiple sexual assaults committed by two perpetrators. Mr. Manning has not completed sex offender treatment. After finishing the SOTP coursework, Mr. Manning demonstrated before the Treatment Review Panel that he did not make sufficient progress towards rehabilitation. Mr. Manning does not currently show a commitment to additional rehabilitation. He is not involved in any programming and he is not certain if he will reapply for sex offender treatment. Under these circumstances, the Parole Board concludes that Lawrence Manning 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, Mr. Manning is not a suitable candidate for parole. He needs a more active approach to rehabilitation, including successfully completing sex offender treatment. The review will be in five years.

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.


Janis DiLoreto Noble, General Counsel


Date