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*The Commonwealth of Massachusetts*  
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**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**ARTHUR CORBETT**

**W38956**

**TYPE OF HEARING:** **Revocation Review Hearing**

**DATE OF HEARING:** **March 21, 2013**

**DATE OF DECISION:** **November 1, 2013**

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

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the inmate's testimony at the hearing, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years.

**I. STATEMENT OF THE CASE**

Arthur Corbett is seeking parole from his life sentence for second degree murder. Mr. Corbett's conviction is based on a joint venture theory. He and a co-defendant, Robert Cobb,<sup>1</sup> assisted another co-defendant, Andrew Millyan,<sup>2</sup> in the shooting death of the victim, Dana Hill, age 25. On May 19, 1982, a jury in Suffolk Superior Court convicted Mr. Corbett of first degree murder and he was sentenced to life without parole. On May 5, 1986, the verdict was reduced

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<sup>1</sup> Mr. Cobb was convicted of second degree murder, which was later reduced to manslaughter. Mr. Cobb, who was sentenced to serve 10 to 20 years, was discharged from his sentence in November 1993.

<sup>2</sup> Andrew Millyan was convicted of first degree murder, which was later reduced to murder in the second degree. He was paroled in April 2002, and remained on parole until revocation in April 2008. Millyan was re-paroled on June 2, 2010. However, on October 23, 2012, following his arrest for an OUI, Millyan was convicted of negligent operation of a motor vehicle and possession of a Class D substance. The Board revoked parole.

to murder in the second degree on a motion to reconsider in Suffolk Superior Court, thus making Mr. Corbett eligible for parole on the life sentence.

On September 20, 1981, the day before the murder, several people attacked and stabbed a friend of Mr. Corbett's outside the Sand Bar Lounge in Revere at approximately 2:00 a.m. One of the assailants accused the friend of being a member of the Devil's Disciples, a motorcycle gang. Also, one of the assailants told the friend that "Your buddy Andy [Millyan] is next." The friend, who was hospitalized, told Mr. Corbett, age 23, and his co-defendant, Andrew Millyan, age 25, about the attack, relating to them he believed the assailants were Hell's Angels, a rival to the Devil's Disciples. The friend also suggested that Mr. Millyan should retrieve his shotgun for his own protection. Mr. Corbett and Mr. Millyan were "very disturbed," "highly upset" and angry at what happened to the friend, and there was general talk of revenge.

Later that day, Mr. Corbett and Mr. Millyan left the hospital and told the other defendant, Robert Cobb, age 28. Mr. Cobb was also "very disturbed." After telling Mr. Cobb, Mr. Millyan and Mr. Corbett proceeded directly to the Sand Bar Lounge, with Mr. Corbett driving. After Mr. Corbett parked the car across the street from the Sand Bar Lounge, Mr. Millyan jumped from the car, a convertible, and grabbed a tire iron from the back seat and began "screaming" that his friend had been stabbed and that he would "get someone for it." Mr. Millyan appeared "very mad" and "mean looking." Mr. Corbett remained in the car during Mr. Millyan's tirade. An assistant manager at the Sand Bar Lounge eventually calmed Mr. Millyan, who then drove away with Mr. Corbett.

On September 21, 1981, around 3:00 p.m., Mr. Corbett drove Mr. Millyan and Mr. Cobb to another friend's house where Mr. Millyan obtained the injured friend's shotgun. In Mr. Corbett's presence, Mr. Millyan loaded the shotgun with five rounds, and put one round in his pocket. Mr. Millyan put the shotgun in a case, and placed it under the front seat of the car. Around 6:30 p.m., Mr. Corbett drove Mr. Millyan and Mr. Cobb to the Sand Bar Lounge, parking in an alley running between the Sand Bar and a next-door restaurant. When they arrived, Mr. Millyan grabbed the shotgun case from underneath the seat, took out the loaded shotgun, and entered the bar with Mr. Cobb. Mr. Corbett, who made no attempt to disassociate himself from Mr. Millyan, remained in the car.

There were about 10 to 12 people in the bar. Mr. Millyan stopped a few feet from the door of the bar, pumped the shotgun, and then shouted, "I got a message from a friend of mine that got stabbed here by the Hell's Angels. If I see any Hell's Angels down here, or [anyone] talking about Hell's Angels down here, I am going to blow them away." A patron tried to get Mr. Millyan to put the gun down, which only agitated Mr. Millyan. After making his threat, Mr. Millyan pointed his shotgun toward the rear of the bar, which happened to be where the pool tables were located. Holding the shotgun at shoulder level, Mr. Millyan fired one shell containing about 280 pellets.

Dana Hill, who was standing at a pool table, happened to be in a direct line with Mr. Millyan. The shotgun blast from Mr. Millyan struck Mr. Hill in the face. At least 50 pellets struck Mr. Hill about his head. Mr. Hill fell to the floor screaming for help while the rest of the customers scattered for protection. His screams could be heard throughout the bar while Mr. Millyan and Mr. Cobb were still there. Mr. Hill was not a member of any motorcycle gang, and

was in the bar to see a waitress who he had been dating. Mr. Hill lapsed into a coma and died three days later. He suffered wounds to his brain, skull and face.

Mr. Millyan and Mr. Cobb returned to the car. Mr. Corbett drove the car away from scene. He and the co-defendants were arrested in Lynn. While Mr. Corbett drove his co-defendants from the scene, Mr. Millyan disposed of the shotgun.

## **II. PAROLE AND INSTITUTIONAL HISTORY**

Arthur Corbett was before the Board for his initial parole hearing on October 25, 1999. The Board voted to parole him after six months in pre-release. On February 26, 2002, Mr. Corbett was released under parole supervision, having been incarcerated since 1981. While on parole, Mr. Corbett violated his parole conditions on four occasions. In July 2004, he was drinking alcohol. On November 2, 2004, Mr. Corbett was returned to custody due to a positive drug test for opiates. He received a final warning and was released from custody on November 15, 2004 with additional conditions imposed. On March 21, 2008, Mr. Corbett was returned to custody again due to multiple violations of his parole conditions, including drinking alcohol, getting in a fight while intoxicated, and operating a motor vehicle while under the influence of alcohol. Mr. Corbett was released again, having received a warning with additional conditions.

On February 16, 2010, Mr. Corbett was returned to custody for the third time. On this occasion, Mr. Corbett had been arrested for OUI by Stoughton Police and, as he admitted, consumed alcohol on multiple occasions. On November 23, 2010, the Board denied parole for three years due to his continued alcohol use and drunk driving.

Mr. Corbett has received eleven disciplinary reports. In 1998, he was returned to higher custody for being out of place while in the community on pre-release status. Mr. Corbett is currently incarcerated at Old Colony Correctional Center, where he is employed as a law library clerk. He attends Narcotics Anonymous/Alcoholics Anonymous four times a week. He has also participated in the American Veterans in Prison Program, the Lifers' Group, and art and sign avocation groups. Mr. Corbett attends psychotherapy, remains compliant with his prescribed psychotropic medications, and is currently enrolled in a mental health group.

## **III. PAROLE HEARING ON MARCH 21, 2013**

At the hearing, the Board focused on the issues that lead to Mr. Corbett's parole violations, specifically substance abuse, mental health, unemployment, marital/family issues, deception, and the level of insight into his causative factors. Mr. Corbett, now 56 years old, admitted that he was drinking regularly on parole, often experiencing blackouts and "felt more comfortable drunk than sober." He claims, however, that he did not know he was an addict until he was returned to custody. Mr. Corbett felt that he has "outgrown" whatever issues he had in the past with substance abuse. Mr. Corbett began consuming alcohol at age 12; he had trouble making friends and dropped out of school at age 16. At age 17, he enlisted in the Navy; however, at age 20 he received a General Discharge under Honorable Conditions as a result of his alcohol abuse. He blamed his failure in the Navy on the officers that "just didn't like me" and justified his excessive alcohol use by citing his exemplary work while at sea.

All three of Mr. Corbett's paroles resulted in violations and when questioned by Board Members as to those failures, he responded that he had relapsed and used alcohol prior to each violation. He attended meetings and counseling on the street after being issued graduated sanctions and final warnings. Parole referred him in 2007 to the North Cottage Program to address his substance abuse issues. After completing the program he relapsed in October 2007 and admitted he was drinking regularly. He was drinking so heavily at various points that "I don't know how many times I blacked out on parole."

Mr. Corbett stated he felt he was addressing the problems by attending meetings and counseling. Mr. Corbett acknowledged that neither he nor his wife, who knew he was drinking, reached out to his parole officer. Mr. Corbett admitted to driving while under the influence on several occasions. Although he attended meetings and counseling, Mr. Corbett acknowledged not being forthcoming with his counselor about his depression and other issues plaguing him at that time. He was deceptive with everyone in his life.

Mr. Corbett presented himself as a loving husband in a great marriage, a hard worker, and overwhelmed. That presentation, however, is not accurate. He had not been working for a long time due to back issues. He was involved in a non-conventional marriage and was going out regularly and drinking excessively with a female friend who was a bartender/waitress. He admitted he did not like being with his wife when he was drinking. He ceased his productive activities and instead consumed alcohol. Mr. Corbett admitted he "neglected everything to satisfy his addiction."

Mr. Corbett admitted to drinking alcohol and smoking marijuana when initially imprisoned until 1985, after which he started attending church services and associating with positive people. Mr. Corbett recognizes his trigger to be depression and currently attends counseling, meetings, and group sessions.

During his parole presentation, Mr. Corbett lacked any insight into what the consequences could have been for driving under the influence of alcohol. He did not express remorse for his actions or recognize the possibility of harming someone. A Board Member pointed out that Mr. Corbett has declined to participate in two substance abuse programs offered to him since his return, a fact which Mr. Corbett eventually admitted.

When questioned by Board Members about his parole plan, Mr. Corbett presented a plan that was very similar to what he had done while under his prior parole supervision. He did not identify anything he would do differently and was not candid about why he was returned to prison; it appeared as though he was protecting himself rather than revealing issues to be addressed. He does not present any new information on how he will address the issues that plague him. The Board suggested to Mr. Corbett that a more solid parole plan should continue addressing his medical, depression, and alcohol issues through additional services which include a different counselor, a marriage counselor, GPS, Sobriety, and a long term residential program. Board Members were concerned that Mr. Corbett was not able to identify what treatment, if any, had worked for him while under parole supervision.

Mr. Corbett's wife, sister-in-law, sponsor, and a friend testified in support. Suffolk Assistant District Attorney Charles Bartoloni submitted a letter in opposition of parole.

#### **IV. DECISION**

Arthur Corbett has been given numerous opportunities in the community and offered many services to support him. He has been unable to admit his alcoholism, stick with treatment, and use his supports to prevent relapse. He has compromised the value of his supporters by enlisting them in his parole violations. He has repeatedly created unacceptable risks to the community by drunk driving. Mr. Corbett has established that he is not rehabilitated and his cavalier approach to drunk driving creates an ongoing threat to public safety.

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." Because Arthur Corbett is not rehabilitated, the Board concludes that he would be likely to re-offend if released and that release on parole is incompatible with the welfare of society. Accordingly, parole is denied. The Board grants a three year review, during which time Mr. Corbett needs to engage in all program opportunities, rehabilitate that aspect of his character that leads him to drive drunk, and formulate a parole plan that will minimize the possibility of relapse.

*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

11/1/13  
Date