



Christopher D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

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



Charlene Bonner
Chairperson

Janis DiLoreto Smith
Executive Director

DECISION

IN THE MATTER OF

GARY LITTLE
W49629

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **February 19, 2015**

DATE OF DECISION: **March 2, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Lee Gartenberg

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, the inmate's testimony at the hearing, and 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 a suitable candidate for parole to the Brooke House Halfway Back Program on or after March 5, 2015.

I. STATEMENT OF THE CASE

On December 20, 1990, in Barnstable Superior Court, Gary Little was found guilty of second degree murder for killing Tyrone French, age 23, and sentenced to life in prison.

On January 28, 1990, at approximately 12:10 am, Yarmouth Police received a call regarding a stabbing incident at a local residence. Upon arrival, police found paramedics working on Tyrone French. Mr. French, in a dying declaration, identified Gary Little as his assailant. Several witnesses at the scene stated to police that a fight broke out between Mr. French and Gary Little at the residence. Witnesses observed Little kicking and beating Mr. French repeatedly and also saw Little stabbing Mr. French with a knife. After a witness broke up the fight, Little fled from the house in a car. Little, then age 23, was apprehended later that day. Mr. French died from stab wounds.

II. INSTITUTIONAL, CRIMINAL, AND PAROLE HISTORY

Little is serving his first incarceration of any kind. He demonstrated to the Board in 2005 that he merited parole by virtue of his participation in programming, positive investment in rehabilitation, and supportive re-entry plan. Upon his release on March 21, 2005, Little remained invested in his continued rehabilitation. He graduated from the East Boston Rehabilitation Program and maintained steady employment. Little also made positive changes while on parole, including establishing his own residence, completing coursework at Bunker Hill Community College, and making positive contributions to the community.

Little has struggled off and on with various issues since his release, which include three previous returns to custody.¹ Personal difficulties with mental health, substance abuse, and a failed marriage have been contributing factors. Although he made strides in both his work with SPAN, Inc.² and his education, he also had periods of non-compliance with parole conditions. These matters have been addressed with his parole officer, the Parole Board, and his supports, particularly at SPAN, Inc.

Little's most recent return was on August 27, 2014, when he was arrested following a positive drug test that confirmed cannabinoids in his system. He was immediately returned to MCI-Cedar Junction. Little admitted at the preliminary hearing that he had smoked a "few puffs" of marijuana earlier that month, citing "stress and depression." Little also admitted that he knew he would be returned to custody at the first sign of substance abuse. Currently, Little denies he has substance abuse issues, but claims to be in need of mental health counseling to address Post Traumatic Stress Disorder (PTSD.)

At his final revocation hearing before the Board panel, Little's attorneys requested that he be released to the Brooke House Half Way Back program, where he would have much needed structure in his day-to-day life and could move on once he completed the program. Little did not have a home to go to, other than a program, and his representatives advocated that the Brooke House was a good fit for Little, at this point of his life.

The Board, however, was split on its decision on whether to affirm the revocation or to allow Little to transition directly to the Brooke House. Consequently, the Board voted to hold the instant hearing in order to further evaluate his commitment and suitability for parole, as

¹ On February 4, 2006, Little was returned to custody after he and a relative (who had a criminal record) were arrested on drug trafficking charges. The charges were dismissed, but the Board revoked parole based on the arrest itself and his association with a person with a criminal record. In 2008, the Board granted him another parole, noting that, while re-incarcerated, Little invested in his rehabilitation. He was released in 2009. On August 21, 2013, Little was arrested and returned to custody following a violation of a recently added GPS condition. He had entered into an "exclusion zone," but neither made contact with, nor attempted to, contact the victim. He remained in custody until November 21, 2013, when the Board voted to issue a warning to Little. On March 21, 2014, Little was arrested following a positive drug test. On April 9, 2014, rather than revoke his parole, the Board added another condition requiring Little's return to custody at the first sign of substance abuse.

² Span, Inc. is a non-profit organization dedicated to assisting people who have been in prison by providing intensive support services, which consist of a personalized combination of case management, health services, career development, and counseling support. They help clients reintegrate into their communities as assets, rather than liabilities.

well as to determine whether Little is in need of more services than he was willing to acknowledge.

III. PAROLE HEARING FEBRUARY 19, 2015

Little was represented by Attorneys Patricia Garin and Harley Racer. Little answered a myriad of questions primarily focused on his accomplishments and struggles in the community. Little acknowledged that he endured numerous stressors, including the divorce of his wife, and that while he had numerous supports, he did not accept that he was struggling with mental health issues. Little described his busy schedule, positive contributions to the community, and his investment in his work with SPAN, Inc. He also described, however, experiencing mental health symptoms throughout his parole that he did not quite understand. He stated that he has learned much about himself and has made significant strides in understanding his mental health symptoms and its origins, as well as how to engage in treatment. Little has since come to terms that, due to his history of incarceration and childhood abuse issues, he likely suffers from Post Traumatic Stress Disorder and has not been able to tolerate these symptoms, at times. Little states that he now recognizes that the use of marijuana (in part) was a means of self medication, but recognizes that the larger issue is investing in, and gaining, the necessary treatment to address his mental health symptoms and daily life stressors.

Little described how he can address his needs in the community. He expressed a commitment to work with his providers and parole officer to help him become a productive member of society. Little acknowledged that, "I know no matter what, it all comes down to me. I have to be more pro-active and engage with people." The Board also highlighted the positive strides he has made while on parole, especially with regard to people he has helped through his work in SPAN, Inc. Little proudly discussed how he has been able to influence positive change in other people's lives. The Board also asked him to explore how things have fallen apart. Little stressed that he stopped paying attention to his issues and that he was too focused on work, which then "took the focus off me." He stated that he had also stopped learning. He described a detailed plan of how he would address his future issues and, specifically, who he would reach out to. Little also stated to the Board that, in hindsight, he was grateful that he was returned to custody, as he needed the time to re-evaluate his needs and establish a release plan that would address such needs.

Little immediately re-engaged in treatment since his return to custody and began to establish his re-entry plan. He maintains many supports in the community and can resume employment and treatment. He also has an opportunity to transition to the Brooke House for further stabilization and assistance with re-entry.

Speaking in support of Little's parole was Lynn Levy, founder and Director of Span, Inc. Ms. Levy provided a history of her professional and therapeutic relationship with Little and discussed how valuable he was, and will continue to be, with the organization. Ms. Levy also provided the Board with some education about PTSD and how that relates to Little. Finally, Ms. Levy stated her commitment to provide ongoing support and treatment upon Little's return to the community. A member of the Bethel A.M.E. Church stated that she benefited from Little's support and that the Church, in return, will continue to support Little upon his release.

No one was present to speak in opposition. However, a letter was submitted from the Cape and Islands District Attorney's Office in opposition to Little's parole release.

IV. DECISION

Little provided the Board with a detailed history of his successes and struggles while on parole. While Little has had numerous challenges on parole, they have primarily been related to his struggles with mental health issues (which he has gradually come to understand and treat). Although Little engaged in periodic self-medication with marijuana, he also experienced an increase in mental health symptoms, due to both the manifestation of PTSD and life stressors. That said, Little has had a consistent support system, which is largely centered around SPAN, Inc. (which he did not rely on when he should have). Throughout the hearing, the Board came to understand more about Little's motivation, good work, intentions, and new insights into his treatment needs. Little was able to articulate his issues and, specifically, how he will address them going forward. Little has the support of SPAN, Inc., his church, and other community advocates who are not only invested in his treatment, but who are invested in Little's efforts to maintain a successful and productive life in the community.

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, it is the unanimous opinion of the Board that Gary Little meets the legal standard of parole.

SPECIAL CONDITIONS: Waive work for long term residential program; No drug use with testing required; No alcohol use with testing required; Report to assigned Massachusetts Parole Office on day of release; No contact or association with brother [Name], unless at Parole Officer's discretion; Must have mental health counseling for PTSD; Long term residential treatment – Brooke House; AA/NA at least three times per week with sponsor; Mandatory SPAN and any follow-up.

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.



James DiLoreto Smith, Executive Director

3/2/15

Date