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DECISION

IN THE MATTER OF

GARY PHILLIPS

W36959

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 11, 2017

DATE OF DECISION: March 15, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On February 8, 1979, in Hampden Superior Court, Gary Phillips pleaded guilty to the second degree murder of 77-year-old Daisy Loncrini. He was sentenced to serve life in prison with the possibility of parole.

On May 21, 1978, in Agawam, Gary Phillips committed a vicious murder by hammering to death his elderly neighbor, Daisy Loncrini. Mr. Phillips was 19-years-old and lived in an apartment with his mother and stepfather. Ms. Loncrini lived by herself in the same apartment building and was friendly with Mr. Phillips' mother. On the afternoon of May 21, 1978, Mr. Phillips was in the basement of the apartment building, drinking and playing loud music. The basement was used by his stepfather as an upholstery workshop. Ms. Loncrini came to the basement shortly after 4:00 p.m. and asked him to turn down the music. Mr. Phillips responded by picking up an upholstery mallet and swinging it forcefully into Ms. Loncrini's face

¹ Five of the six Board Members voted to deny parole with a review scheduled in three years from the date of the hearing. One Board Member voted to deny parole with a review scheduled in five years from the date of the hearing.

multiple times. He switched from the mallet to a hammer and hit Ms. Loncrini in the head several times. He then hid the body by covering it with a plastic bag and placing it behind a pile of boxes in the basement. He put the mallet, a bloody towel, and the victim's eyeglasses in a paper bag and threw the bag in a dumpster behind the apartment building. Mr. Phillips admitted these facts – multiple blows with each weapon used – when he testified during the plea colloquy at his sentencing hearing in Hampden Superior Court. Police found the bag in the dumpster. They also recovered the hammer from the workshop. Mr. Phillips' fingerprint was found on the eyeglasses.

II. PAROLE HEARING ON APRIL 11, 2017

Gary Phillips, now 59-years-old, appeared before the Parole Board for a review hearing on April 11, 2017. Mr. Phillips was represented by Northeastern University School of Law Student Attorney Reyna Ramirez. Parole was denied following his previous hearings in 1994, 1997, 2002, 2005², 2006, 2011, and 2015. In his opening statement to the Board, Mr. Phillips apologized to Ms. Loncrini's family for the "pain and turmoil" that he brought into their lives. Mr. Phillips expressed his remorse and told the Board that he wished he could change what he had done. Student Attorney Ramirez also gave an opening statement on behalf of Mr. Phillips.

Mr. Phillips was asked about the Board's concerns, following his 2015 hearing, regarding his victimization of women. Mr. Phillips replied, "Yes, I do understand that some of my crimes involve women, but not in a sexual nature. But, I do understand that because they involve women, the Board's concern was that I have a problem with women." Mr. Phillips was subsequently asked about the circumstances surrounding a rape case against him that had been dismissed in 1977. Mr. Phillips said that he had a "sexual encounter" with one of the women at a small gathering, after her boyfriend had left. When the woman's boyfriend came back, other people at the party told the boyfriend about the "sexual encounter." The woman's boyfriend confronted her about it and Mr. Phillips stated, "Through her fear of him, she told him that I had raped her." Mr. Phillips was arrested that night for rape. Mr. Phillips said that after the arraignment (two days later), the woman told her mother "what really happened." Her mother took her to the police station and told the police "what happened." Mr. Phillips said that the district attorney dropped the charges, and he was never indicted on the rape charge.

Mr. Phillips was questioned about an open and gross conduct charge from 1993. When asked about his motivation for pleading guilty to the charge, Mr. Phillips said "I urinated in public and I was guilty of that." A Board Member then asked Mr. Phillips what was reported to the police. Mr. Phillips replied, "That I was exposing myself." Later in the hearing, another Board Member noted that he had been accused of fondling himself. Mr. Phillips was also asked to discuss a series of unarmed robberies that he had committed against female victims. Mr. Phillips told the Board that he and his brother had been driving around and "needed money." They had been drinking and had run out of alcohol. Mr. Phillips said that his brother came up with the idea to go to a mall parking lot and then reach out and grab women's purses. He believes they did this five times. Mr. Phillips acknowledged that even though it was his brother's idea, he is equally responsible for going along with the plan. A Board Member noted that, with regard to the underlying offense, there had been some concerns regarding the positioning of the victim's clothing, including her nylons and dress. Mr. Phillips had testified

² The 2005 review hearing resulted in a tie vote, as the Parole Board had only six Members at that time. With less than a majority of Board Members voting to grant parole, this tie vote resulted in a denial, and Mr. Phillips was placed on the next available hearing list, which led to the 2006 hearing and denial.

(previously) that this was due to him dragging her across a concrete floor. He maintained that version of events at the present hearing.

Mr. Phillips also discussed the causative factors of his crime, which included his attitude, judgment, and behavior. He linked these issues to events that transpired during his childhood. When Mr. Phillips was 12-years-old, he found out that his father was actually his step-father. Mr. Phillips stated, "That was an emotional pain for me that I never recovered from." When asked if there was violence in the home, Mr. Phillips said that his father was a "disciplinarian" and "heavy handed," and that he was beaten on a regular basis. Mr. Phillips told the Board that he would do "bad things" and get into trouble in order to hurt his father. Mr. Phillips claims that he has put a lot of work into anger issues, but realizes that it needs to be maintained. He believes he can do so through counseling. Mr. Phillips said that he has learned to recognize his "stressors." He then provided the Board with an anecdote related to getting a new pair glasses a couple of weeks ago, as an example of how he positively resolved a conflict. After a Board Member told Mr. Phillips that he had told the story, almost word for word, two years prior, Mr. Phillips said, "Well I was just trying to use the story as ...what I do now." Later in the hearing, Mr. Phillips addressed the Board Member who raised the issue and stated, "... I misspoke earlier and I don't want you to think I was lying to you. I said two weeks, it was two years... I was using that as a reference to what I had done and why I had done it..."

At the time of his hearing, Mr. Phillips was working in the laundry and attending Alcoholics Anonymous (AA) twice a week. He had just finished participating in a basketball league and was planning to participate in a softball league, as well as a gardening group. Mr. Phillips claims that he has already done all of the programming available to him at the facility in which he is housed.

One of Mr. Phillips' friends, as well as an attorney who had previously represented Mr. Phillips, testified in support of parole. Two of the victim's nieces spoke in opposition to parole. In addition, a statement submitted in opposition to parole was read by a Victims Services Unit Representative. Hampden County Assistant District Attorney Howard Safford spoke at Mr. Phillips' hearing and submitted a letter, as well.

III. DECISION

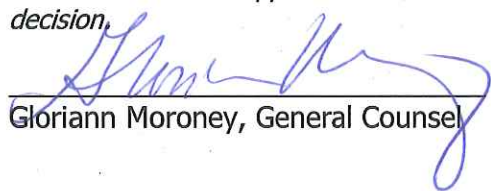
The Board is of the opinion that Mr. Phillips has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board remains concerned as to Mr. Phillips' continued lack of candor. His testimony remains in conflict with the facts introduced into evidence at the sentencing hearing. In addition, the Board maintains concern that he has a pattern of victimizing women. He has yet to acknowledge/address the issue.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Phillips' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a

risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Phillips' risk of recidivism. After applying this standard to the circumstances of Mr. Phillips' case, the Board is of the opinion that Gary Phillips is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Phillips' next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Phillips to continue working towards his full rehabilitation.

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.


Gloriann Moroney, General Counsel

3/15/18
Date