



The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

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DECISION

IN THE MATTER OF

GEORGE BINGHAM

W63477

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 2, 2011

DATE OF DECISION: May 30, 2012

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

DECISION OF THE BOARD: Parole is denied with a review in three years. The decision is unanimous.

I. STATEMENT OF THE CASE

In August 1995 George Bingham was 30 years old. For several years he had been a homeless alcoholic with mental health issues. He spent most of his time in Brockton panhandling and drinking alcohol. He slept outside in the woods or in a tunnel. In recent months Bingham occasionally spent time drinking with Michael Gustafson, who also had problems with alcohol. On August 21, 1995, Bingham started drinking at 8:00 a.m. He met up with Mr. Gustafson in the afternoon and they drank together in the woods in Brockton.

At some point in the evening hours, the two men argued over who would go to the store to purchase the next bottle of alcohol. Bingham picked up a broken wine bottle and repeatedly beat Mr. Gustafson in the face, head, and chest. The bottle with jagged glass caused scores of injuries as documented in the autopsy report: multiple stab wounds to the face, neck and chest; multiple fractures of nasal bones; subdural hemorrhage; and multiple incised wounds, multiple abrasions, multiple lacerations, and multiple contusions on the face, forehead, eyelids,

neck, chest, left shoulder, back, hands, right wrist, right arm, and right ankle. Mr. Gustafson was 39 years old.

Bingham was arrested four days after the murder. He pleaded guilty to second-degree murder on October 27, 1997. He has prior criminal convictions in Rhode Island for breaking and entering and domestic assault and battery. He was sentenced to a state prison term for the breaking and entering offenses.

II. PAROLE HEARING ON JUNE 2, 2011

This is George Bingham's first parole hearing. He is 46 years old. He postponed the hearing for one year and has served 16 years. He said he postponed the hearing "because I didn't want to face the music; an inmate talked me into trying to fight my case; I got a lawyer who screened my case; but I decided not to fight it and I told the lawyer to close the case." He readily acknowledged the senseless brutality of the murder. He said that Mr. Gustafson was a friend who did nothing to provoke the attack; he attacked the victim for five minutes "before he couldn't speak anymore"; he kept "cutting and digging at his face" during that period.

Bingham stated he has avoided violence in prison and that he avoids problems by talking about them before he gets angry. He described a long-standing problem with alcohol. He started drinking at age 12 and by age 18 had a serious alcohol problem. Before the murder he had tried to quit drinking many times and had been to over one dozen detox facilities. His drinking caused a five-year period of homelessness leading up to the murder. He said that his "anger is on the surface when I drink; if I am not drinking I can see it rising and do something" before resorting to violence.

Mental illness has been the primary factor in the inmate's institutional adjustment. His history of mental illness precedes the murder. During his incarceration, Bingham has been committed to Bridgewater State Hospital in 2002, 2004, and 2009 for auditory hallucinations, suicidal ideations, and paranoia. He takes several medications. He was housed in the Residential Treatment Unit at Old Colony Correctional Center for over five years. Dr. Charlene Bonner noted that Bingham "has a serious mental illness with psychotic symptoms; he has had several periods of rapid decomposition; his risk of danger increases if he is not on medication; and you have hurt yourself." Bingham agreed that his psychotic symptoms make him a dangerous person when he is not on medication.

The inmate has 15 disciplinary reports, most notably for making homebrew with his cellmate in 2008. There were no supporters of parole present at the hearing. Family members of the victim submitted letters opposing parole. They emphasized that Mr. Gustafson was a friendly and peaceful person. He graduated from Oliver Ames High School and Suffolk University before he began struggling with an alcohol problem.

III. DECISION

As shown at his hearing and in his institutional record, George Bingham has made considerable progress during his 16 years of incarceration. He is remorseful, committed to living without violence, and has had above average institutional conduct in recent years. He has three issues that prevent him from a parole to the community: (1) serious mental health

issues that are difficult to manage; (2) alcoholism (with a homebrew incident in 2008) that is connected to violence; and (3) no family or other support in the community. Those three issues appear to be more easily managed or controlled in prison. Because of these issues, parole is not compatible with the welfare of society at this time. Rehabilitation has not reached the point where sobriety is likely in the community; relapse creates an undue risk of violent re-offense. Accordingly, parole is denied.

Because of the progress Bingham has made, the Parole Board grants a review in three years. He needs to (a) continue his positive behavior and mental health improvement in a secure mental health treatment facility, (b) address his alcoholism with programs and self-help that can be replicated in the community, (c) develop some support in the community, and (d) develop an employment history and some job skills. Based on Bingham's long mental health history, it is very likely that he would require a structured residential setting with mental health services if he were to be paroled in the future.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Caitlin E. Casey, Chief of Staff


Date