



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

GEORGE MACNEIL

W39496

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 6, 2022

DATE OF DECISION: June 15, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

STATEMENT OF THE CASE: On February 2, 1983, after a jury trial in Essex Superior Court, George MacNeil was convicted of first-degree murder in the death of Bonnie Mitchell and was sentenced to life in prison without the possibility of parole.

On December 24, 2013, the Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013), in which the Court determined that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that *Diatchenko* (and others similarly situated) must be given a parole hearing. Following the *Diatchenko* decision, Mr. MacNeil became eligible for parole.

Mr. MacNeil appeared before the Parole Board for a review hearing on January 6, 2022. He was represented by Attorney Elizabeth Caddick. This was Mr. MacNeil's second appearance before the Board having been denied at his initial hearing in 2019. The entire video recording of Mr. MacNeil's January 6, 2022, hearing is fully incorporated by reference to the Board's decision.

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 by a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to a Department of Mental Health (DMH) living environment with 24-hour staffing. Mr. MacNeil has served 35 years for the murder of 15-year-old Bonnie Mitchell. He was 16-years-old at the time of the offense. He has since been diagnosed with numerous mental health disorders which required extensive treatment. He appears to have stabilized to the extent he is ready to transfer to a DMH facility. He has been compliant with medications and treatment and has participated in appropriate programming. As per the expert evaluation of Dr. Lockwood he will benefit from the extensive structure and support of a DMH facility.

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 the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

In forming this opinion, the Board has taken into consideration Mr. MacNeil's 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. MacNeil's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. MacNeil's case, the Board is of the opinion that Mr. MacNeil is rehabilitated and merits parole at this time.

Special Conditions: Reserve to approved DMH group living facility with 24 hour staffing; Waive work – DMH; Curfew must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Must take prescribed medication; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s) family; Must have mental health counseling for post-traumatic stress disorder and anxiety disorder; Mandatory – follow all service provider recommendation; Mandatory – adhere to DMH case plan.

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


Pamela Murphy, General Counsel

6/15/22
Date