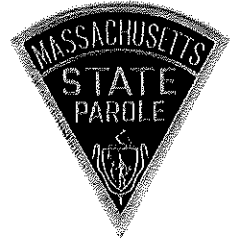


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Gloriann Moroney
Chair

DECISION

IN THE MATTER OF

GEORGE MACNEIL
(AKA GEORGE MACNEILL¹)

W39496

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: January 15, 2019

DATE OF DECISION: October 8, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa²

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 unanimous vote 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.

I. STATEMENT OF THE CASE

On February 2, 1983, after a jury trial in Essex Superior Court, George MacNeil was found guilty of first-degree murder in the death of Bonnie Mitchell. He was sentenced to life in prison without the possibility of parole. Mr. MacNeil was 16-years-old at the time of the murder. Mr. MacNeil appealed his first-degree murder conviction. In 1987, the Supreme Judicial Court affirmed the judgment.³

¹ Mr. MacNeil's court documents refer to him as George "MacNeill"

² Chair Moroney was present at the time of vote, but abstained, as she was not a Board Member at the time of hearing.

³ *Commonwealth v. MacNeill*, 399 Mass. 70 (1987).

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.

On October 18, 1981, George MacNeil told his friends that he wanted to kill his former girlfriend, 15-year-old Bonnie Mitchell, because she had an issue with his current girlfriend. On October 19, 1981, Mr. MacNeil, along with Ms. Mitchell, went for a walk in the Pine Grove Cemetery in Lynn. They walked to a bathroom in the cemetery, where Ms. Mitchell wanted to stay because she was cold. They talked for approximately 45 minutes. At some point, while Ms. Mitchell sat on the toilet, Mr. MacNeil (who was on the ledge above her) decided to kill her. Mr. MacNeil took the rope out of his pocket and put it around her neck, holding it for 3-4 minutes. Ms. Mitchell attempted to get her finger under the rope, but could not. She did not make any noise. When Mr. MacNeil let go of the rope, she fell to the floor with the rope still around her neck. Mr. MacNeil then took the ends of the rope and tied them to the toilet seat. He told his friends that he killed Ms. Mitchell and showed them her body. Mr. MacNeil subsequently confessed and was charged with the murder of Ms. Mitchell.

II. PAROLE HEARING ON JANUARY 15, 2019

George MacNeil, now 53-years-old, appeared before the Parole Board on January 15, 2019, for an initial hearing. He was represented by Attorney Elizabeth Caddick. Mr. MacNeil told the Board that he was living with his grandmother at the time of the murder, due to his mother's issue with alcohol. He recalls that during his childhood, there was a lot of drinking and violence involving his mother and stepfather. Also, there was an indication that he was sexually abused as a child. A Board Member noted a Psychosocial Assessment Report, provided by Dr. Michelle Lockwood, which reported an early attraction to violence, including a fascination with watching animals get hurt. The report indicated that Mr. Mitchell took part in a "Black Mass" ceremony, which involved sacrificing animals while under the influence of marijuana and hallucinogens. Upon questioning, however, Mr. MacNeil denied having a fascination with death.

Although Mr. MacNeil admitted to smoking marijuana at the time of the murder, he denied having a drug problem. When a Board Member inquired as to the age he started using drugs or alcohol, Mr. MacNeil stated, "ten, I think." The Board questioned Mr. MacNeil as to his memory of the murder, to which he responded, "Very little." Mr. MacNeil remembers coming back to reality, while sitting on the floor with the victim in his arms. When asked if he remembered telling his friends (the day before) that he wanted to kill Ms. Mitchell, Mr. MacNeil responded, "No, not really." When asked why he wanted to kill her, Mr. MacNeil claimed that there was an issue between his girlfriend and Ms. Mitchell. He was unable to recall whether the weapon he used was a clothes line rope or a dog leash. When Board Members asked Mr. MacNeil whether he understood his actions in the murder of Ms. Mitchell, he responded, "Yes." He added that he has felt horrible for 38 years and doesn't really know why he did it, stating, "There is no reason it should have happened."

When the Board questioned Mr. MacNeil as to his daily activities, he discussed his time in the residential treatment unit at Old Colony Correctional Center, as well as his time at Bridgewater State Hospital, where he was discharged in 2004. Mr. MacNeil stated that he attends groups for mental health, and he takes medication for anxiety, depression, and "a problem with crowds." When asked about his prior thoughts of "inner-beings," Mr. MacNeil claims to have worked through those thoughts with his therapist in the past. He recalled hearing voices since the age of seven or eight, but states that it has been a "long time" since he heard voices. Later during the hearing, however, Mr. MacNeil reported to the Board that he recently heard voices telling him that he was a "pig" based on the cleanliness of his cell. In response to questioning, Mr. MacNeil said that it "has been a while" since he thought about harming himself.

If paroled, Mr. MacNeil would like to utilize the services of the Department of Mental Health. When Board Members asked Mr. MacNeil to describe his thoughts on functioning in society, he responded that he would need continued therapy. Mr. MacNeil denied any alcohol or drug use while incarcerated. Additionally, he states that he obtained his G.E.D. and took a veterinary course. He told the Board that he keeps in touch with his mother, stepfather, and a pen-pal.

The Board considered oral testimony in support of parole from Mr. MacNeil's stepfather. The Board considered testimony in opposition to parole from Ms. Mitchell's niece, two sisters, and a brother. Essex County Assistant District Attorney Kristin Buxton testified in opposition to parole.

III. DECISION

Mr. MacNeil has served 38 years for strangling his former girlfriend. It is the opinion of the Board that Mr. MacNeil's release in the absence of a locked facility does not meet the legal standard, as it is incompatible with the welfare of society.

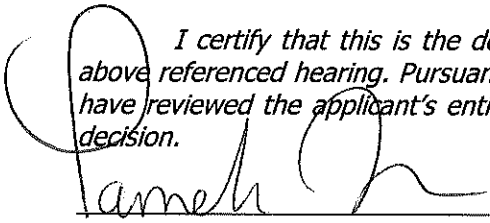
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk

reduction programs could effectively minimize Mr. MacNeil's risk of recidivism. After applying this standard to the circumstances of Mr. MacNeil's case, the Board is of the opinion that George MacNeil is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. MacNeil, therefore, does not merit parole at this time.

Mr. MacNeil's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. MacNeil 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.


Pamela Murphy, General Counsel

10/8/2019
Date