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Paul M. Treseler
Chairman

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DECISION

IN THE MATTER OF

GREER TONEY

F25175

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 13, 2017

DATE OF DECISION: July 17, 2017

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 by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to an approved home plan with special conditions.

I. STATEMENT OF THE CASE

On March 7, 1979, in Suffolk Superior Court, a jury convicted Greer Toney of second degree murder in the stabbing death of Denise Curry. Ms. Toney moved for a new trial on two separate occasions (March 1979 and April 1980). Ms. Toney's first motion for a new trial was based on the claim that the jury's finding of her guilt was against the weight of the evidence presented at trial. Ms. Toney's second motion argued that a new trial was justified by newly discovered evidence. Both motions for new trial were denied by the Superior Court. Ms. Toney appealed the denial of both motions. All appeals were consolidated for review by the Supreme Judicial Court, which affirmed the judgment of conviction, as well as the denials of the motions for a new trial.

On August 13, 1978, at approximately 10:15 p.m., Robin Mines, Dianne Tinsley, and Denise Curry (the victim) were on Whitfield Street in Dorchester, when a car passed them driven by a female accompanied by two male passengers. Some epithets were exchanged.

between the victim and one of the passengers, whereupon the car stopped and the occupants emerged. The female approached the victim and, after some words were exchanged, began hitting her repeatedly, while the two males prevented Robin Mines and Dianne Tinsley from interfering. At some point, one of the men pulled the assailant off the victim and said, "Toney let her go, let her go." As the assailant relinquished her hold, Ms. Mines observed something "long" and "bloody" in the hand of the assailant. The two men and the assailant went back to the car and drove off. The victim staggered a few steps and collapsed; she died shortly thereafter of a stab wound to the heart. The medical examiner testified that the wound could have been caused by a knife or a pair of scissors.

II. PAROLE HEARING ON JUNE 13, 2017

Mr. Toney, now 66-years-old, appeared before the Parole Board for a review hearing after appeal on June 13, 2017. She was represented by Attorney John Rull. Ms. Toney first appeared before the Board on October 19, 1993, for an initial hearing. She was released on parole supervision on November 22, 1993. On October 16, 2015, Ms. Toney was returned to custody for multiple violations of the terms and conditions of her parole. On November 12, 2015, Ms. Toney's parole was provisionally revoked and, on February 11, 2016, the Parole Board affirmed her revocation. She subsequently appeared before the Parole Board on May 24, 2016, and parole was denied with a review scheduled two years from the date of the hearing. Ms. Toney appealed this decision, and she was granted a new review hearing date.

In Ms. Toney's opening statement, she expressed her sympathy for the death of 16-year-old Denise Curry. She accepted full responsibility and continues to pray that the family will be provided closure. Ms. Toney also apologized to the Board for violating the conditions of her parole. Since the fall of 2015, Ms. Toney has been receiving treatment for a plethora of medical problems and is currently housed in the health services unit at MCI-Framingham. During her re-incarceration, Ms. Toney participated in numerous programs, including Stress Management/Relaxation, Healing from the Past, and Grief and Loss. She regularly attends Pathways to Freedom, NA/AA, and mental health counseling. Ms. Toney believes that these programs were instrumental in helping her understand the behaviors that brought her into the criminal justice system, as well as to a subsequent re-incarceration.

The Board questioned Ms. Toney as to her progress in rehabilitation since her return to custody. Ms. Toney said she has spent a significant amount of time reflecting on how she erred while on parole supervision. She now understands that her behavior was unacceptable and that her failure to effectively communicate with her parole officer was deceitful. She explained how re-incarceration, as well as an investment in treatment/programming, has allowed her to gain a greater perspective. She described herself as a manipulator; she admits to controlling or influencing people/situations in an unscrupulous manner in order to obtain her desired outcome. Ms. Toney now understands the importance of having healthy relationships, as well as the significance of effective communication and candor. The Board noted her extensive work as a community activist in the City of Boston. She understands that parole is a privilege not to be taken lightly. She acknowledged that this will be a life-long process.

Ms. Toney had many supporters in attendance at her hearing, as well as multiple letters of support submitted on her behalf. Suffolk County Assistant District Attorney Charles J. Bartoloni was not opposed to Ms. Toney being granted re-parole.

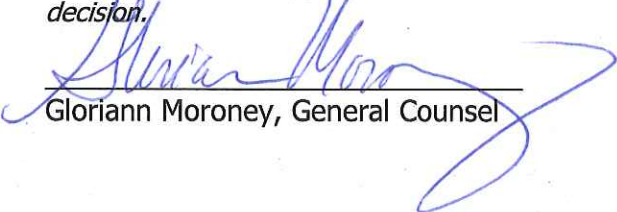
III. DECISION

Greer Toney has been re-incarcerated for almost two years, after approximately 22 years on parole supervision. Since her re-incarceration, she has availed herself of further rehabilitation and has maintained a positive adjustment. It appears that Ms. Toney now understands the ramifications of non-compliance with parole conditions and the importance of honesty with her parole officer. Ms. Toney has strong family support and a positive adjustment since her return to custody. Re-incarceration has served its purpose.

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 Ms. Toney's institutional behavior, as well as her participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Ms. Toney's risk of recidivism. After applying this appropriately high standard to the circumstances of Ms. Toney's case, the Board is of the unanimous opinion that Greer Toney merits parole at this time. Parole is granted to an approved home plan with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for SSDI; Must be home between 10:00 pm and 6:00 am; GPS monitoring at Parole Officer discretion; 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 substance abuse evaluation and adhere to plan; Mandatory - sign medical release to allow Board to review medical records.

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

7/17/17
Date