



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco, III
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

Gloriann Moroney
Executive Director

DECISION

IN THE MATTER OF

HENRY MANLY

(FORMERLY KNOWN AS SAM HUNT)

W35844

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 26, 2018

DATE OF DECISION: February 13, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 10, 1976, in Hampden Superior Court, Henry Clay Manly, formerly known as Sam Hunt, pleaded guilty to second degree murder and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Manly received a 10 to 15 year concurrent sentence for armed robbery, stemming from the same events.

In the early morning hours of July 9, 1975, a gasoline service station in Springfield was robbed and the attendant shot to death. A Springfield police officer, responding to a call at 5:45 a.m., arrived at the station and found the body of Jeffery McCarl. The victim had been killed by two gunshot wounds to the back of his head. The cash register had been robbed of approximately \$147, and the victim's wallet was missing. Some weeks later, a patient in Central State Hospital in Louisville, Kentucky, Henry Manly (formerly known as Samuel Hunt),

advised police that he desired to confess a crime. On August 3, 1975, in the presence of two homicide detectives, 19-year-old Henry Manly made a written confession. According to this confession, Mr. Manly was the sole perpetrator of the crime. When he was returned to Massachusetts on August 5, 1975, he gave Springfield police a second written confession, which included details of the crime similar to those in the first statement.

Mr. Manly has one co-defendant, Vincent Collins. Mr. Manly later implicated Mr. Collins, stating that Mr. Collins was the actual shooter. Subsequently, Mr. Manly testified against Mr. Collins, resulting in a conviction for murder in the first degree. The Supreme Judicial Court of Massachusetts later revised the verdict and ordered a new trial. Before this decision, however (at Mr. Collins' 1979 petition for a new trial), Mr. Manly recanted his testimony implicating Mr. Collins as the shooter, stating once again that he (Mr. Manly) was the sole perpetrator. Mr. Collins eventually pleaded guilty to manslaughter.¹

II. PAROLE HEARING ON APRIL 26, 2018

Henry Manly, now 67-years-old, appeared before the Parole Board for his review hearing on April 26, 2018. He had been denied parole after his initial hearing in 1990, as well as after subsequent hearings in 1993 and 1996. He then waived his right to a hearing in 2001. He was denied parole in 2006 and waived his right to a hearing in 2011 and 2016. At this hearing, Mr. Manly was represented by Attorney Jason Benzaken. In Mr. Manly's opening statement, he offered an apology to the McCarl family and asked for their forgiveness. Additionally, he provided the Board with a comprehensive overview of his institutional adjustment, including program participation and a detailed parole plan.

Mr. Manly has provided varying versions of the offense over the years. In discussing the murder of Mr. McCarl at this hearing, Mr. Manly contends that while it was their intent (of Mr. Collins and himself) to commit a robbery, there was never a discussion, or intent, to commit murder. He indicated that it was Mr. Collins who possessed a firearm and, subsequently, shot Mr. McCarl twice in the back of the head. The Board remains unclear as to why Mr. Manly testified against his co-defendant and then recanted his version of the offense, nullifying the first degree murder conviction of Mr. Collins. After a subsequent trial, Mr. Collins was convicted of manslaughter. At this hearing, the Board provided Mr. Manly the opportunity to clarify the record. Mr. Manly claimed that life was difficult, as he was in a world where he saw nothing but hate, so he began to hate himself. Mr. Manly further stated that at the time, he felt solely responsible, but was conflicted as to whether or not he was alone during the commission of the murder.

The Board questioned Mr. Manly as to his progress in rehabilitation since his commitment, as well as his level of insight and candor. Mr. Manly is currently incarcerated at Old Colony Correctional Center and has not had steady employment since 2014. Although Mr. Manly's programming has been limited, he participates in mental health counseling on a monthly basis and is currently compliant with his medication regimen. The Board inquired as to Mr. Manly's understanding of his mental health diagnosis. He assured the Board that he now recognizes that failure to maintain compliance with his medication and treatment protocol will ultimately result in his decompensation.

¹ This information was obtained from Parole Board Member Michael J. Albano's, July 31, 1990, Record of Decision.

Mr. Manly has accrued over 100 disciplinary infractions during his incarceration, some of which are concerning to the Board. The last significant disciplinary report was issued in June 2017. The Board inquired as to the disturbing statements made to a clinician, by Mr. Manly, in November 2014. He stated, "When I get out, I fantasize about buying a gun and sitting far away from the prison watching correctional officers walk in. As each walk into the prison, I would shoot them. Rookie, old officer, whoever it is, because they all stand for the same thing." He also said, "I will take the Department of Corrections down if I have to kill every last one of them." Mr. Manly explained that at the time, he was in a significant state of depression and was fueled by anger towards the Department of Correction. He further relayed that this was purely a fantasy, denying any intent to act on those thoughts.

The Board considered testimony in opposition to parole from the victim's sister. The Board also considered testimony in opposition to parole from Hampden County Assistant District Attorney Howard Safford.

III. DECISION

The Board is of the opinion that Henry Manly has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. It is the opinion of the Board that he is not rehabilitated and his adjustment remains problematic.

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 an 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. Manly's institutional behavior, as well as his 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 Mr. Manly's risk of recidivism. After applying this standard to the circumstances of Mr. Manly's case, the Board is of the opinion that Henry Manly is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Shara Benedetti, Acting General Counsel

2/13/19
Date