



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JOHN WHITNEY**

**W68219**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** January 18, 2018

**DATE OF DECISION:** October 31, 2018

**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 in three years from the date of the hearing.

**STATEMENT OF THE CASE**

On June 9, 2000, in Norfolk Superior Court, John Whitney was convicted of the second degree murder of Alberto Manuel Portal. A sentence of life in prison with the possibility of parole was imposed.

In December 1997, Mr. Whitney was living in Natick. As a result of a previous relationship, Mr. Whitney had a son who was being raised in a separate residence by his son's mother and her husband, Mr. Portal. On an evening in early December 1997, at approximately the time of night that Mr. Portal typically left his home for work, Mr. Whitney asked a close friend to drop him off in an area located 200 to 300 feet away from Mr. Portal's home. He had planned to meet his friend at a nearby bar shortly thereafter. After Mr. Whitney's friend arrived at the bar in a separate car, he followed Mr. Whitney's car to an Enterprise Rent-a-Car parking lot, where Mr. Whitney left his vehicle. Mr. Whitney was then driven home by his friend.

Unbeknownst to Mr. Whitney's friend, the car that Mr. Whitney was driving that evening had belonged to Mr. Portal. Mr. Portal's dead body was in the trunk.

Mr. Portal and his vehicle were reported missing on December 4, 1997, when he failed to report to work. On March 9, 1998, Mr. Portal's decomposing body was found when his car was located in the Enterprise Rent-a-Car parking lot. A subsequent autopsy indicated the cause of Mr. Portal's death to be blunt force trauma to the head.

## **II. PAROLE HEARING ON JANUARY 18, 2018**

John Whitney, now 55-years-old, appeared before the Parole Board on January 18, 2018, for a review hearing and was represented by Attorney John Rull. Mr. Whitney had been denied parole after his initial hearing in 2013, as well as after his review hearing in 2016. In Mr. Whitney's opening statement to the Board, he expressed his apologies to Mr. Portal's family and friends, and to the community, for the senseless murder of their loved one and for the pain and suffering he caused them.

The Board questioned Mr. Whitney at length about his criminal history and the causative factors that led him to prison. While separated from his wife, Mr. Whitney became romantically involved with Ms. Owens, the mother of two of his children. They were in a committed relationship for approximately five years. They separated shortly after the death of their youngest son. Both fell into a very deep depression, and Mr. Whitney regularly used alcohol to mask his pain. It was an amicable separation, and he went to live with his sister for one year prior to moving back in with his wife to help raise their son. It was during this time period that Ms. Owens became involved with, and subsequently married to, Mr. Portal. Shortly thereafter, visitations with his son abruptly stopped. Nonetheless, Mrs. Portal relied heavily on him for weekly financial support. Mrs. Portal would often vent to Mr. Whitney about her relationship with Mr. Portal and how he was treating their son poorly. Mr. Whitney assured the Board, however, that there was never any indication Mr. Portal had sexually assaulted their son.

Mr. Whitney discussed the events surrounding the murder of Mr. Portal. On the night of the offense, Mr. Whitney arrived at the Portal residence to give Mrs. Portal money. When Mr. Portal answered the door, a verbal argument ensued, escalating into a physical confrontation. After a brief struggle, Mr. Portal fell to the ground. After Mr. Whitney kicked him (once) in the head, his body jerked and then went still. At that point, Mr. Whitney stated that he knew Mr. Portal had succumbed to his injuries. Mr. Whitney said that Mrs. Portal then came out with a bat and hit Mr. Portal. When Mr. Whitney kicked Mr. Portal, he claims that he was fueled by anger and hatred in his heart. He described the murder as "15 lousy minutes of horror." Mr. Whitney continued to work and drink heavily until his arrest, approximately three months later.

In assessing his level of candor, the Board remains concerned about Mr. Whitney's attempt (in 2009) to slander the victim and to implicate Mrs. Portal in the murder of Mr. Portal. Mr. Whitney now asserts that 60% of the allegations were fraudulent. He stated that anger clouded everything during this period. Additionally, he has attempted to mislead and/or deceive the Parole Board through his testimony, which further complicates the matter. The Board also questioned Mr. Whitney as to his progress in rehabilitation, as well as his level of insight and candor, in order to evaluate him for parole suitability. The Board acknowledged the multitude of programming and rehabilitative efforts that Mr. Whitney has engaged in. Mr.

Whitney is currently incarcerated at MCI-Norfolk, where he works in the canteen and participates in the General Maintenance Program, Cognitive Skills Workshop, AA/NA, and religious services. Since his last hearing, Mr. Whitney's programming includes: Path to Freedom, Path of Freedom, Active Listening, Assertive Communication, and Restorative Justice Re-entry. It was through his participation in the Correctional Recovery Academy, that he first addressed his anger issues and began to accept responsibility for his criminal behavior.

Mr. Whitney had many supporters at his hearing, and multiple letters of support were submitted on his behalf. The Board considered oral testimony from Mr. Whitney's friend, sisters, niece, and wife, all of whom expressed strong support for parole. Norfolk County Assistant District Attorney Marguerite Grant testified in opposition to parole.

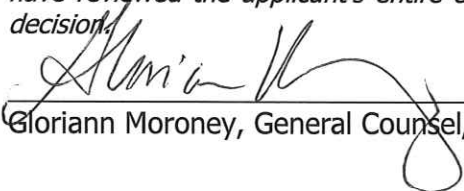
### **III. DECISION**

The Board is of the opinion that John Whitney has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive adjustment and programming are recommended, as his presentment was less than credible during the recent hearing.

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 Mr. Whitney'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. Whitney's risk of recidivism. After applying this standard to the circumstances of Mr. Whitney's case, the Board is of the unanimous opinion that John Whitney is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Whitney'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. Whitney 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.*

  
Gloriann Moroney, General Counsel/Executive Director

10/31/18  
Date