



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

*12 Mercer Road*  
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**Tina M. Hurley**  
*Chair*

**AMENDED  
RECORD OF DECISION**

**IN THE MATTER OF**

**JOHN WHITNEY**

**W68219**

**TYPE OF HEARING:**      **Review Hearing**

**DATE OF HEARING:**      **January 10, 2023**

**DATE OF DECISION:**      **February 9, 2023**

**PARTICIPATING BOARD MEMBERS:** Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

**STATEMENT OF THE CASE:** On June 9, 2000, after a jury trial in Norfolk Superior Court, John Whitney was convicted of second-degree murder in the death of 28-year-old Alberto Portal and was sentenced to life in prison with the possibility of parole.

Mr. Whitney appeared before the Parole Board for a review hearing on January 10, 2023. He represented by Attorney John Rull.<sup>1</sup> Mr. Whitney was denied parole after his initial hearing in 2013 and after his review hearings in 2016, 2018, and 2021. The entire video recording of Mr. Whitney's January 10, 2023, 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 unanimous vote that the inmate is a suitable candidate for parole.

Reserve to long-term residential program but not before completing nine months in lower security. Mr. Whitney was convicted in the beating death of Alberto Portal which took place on December 4, 1997, in Franklin, Massachusetts. He has been incarcerated for twenty-five years.

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<sup>1</sup> An earlier version of this decision incorrectly stated Mr. Whitney was not represented by counsel.

He has completed ninety-seven programs and has remained sober for twenty-five years. He has demonstrated insight and empathy. He has addressed the precipitants that contributed to his committing the offense. During his twenty-five years of incarceration he demonstrated overall positive adjustment. Mr. Whitney has a strong support system to assist him with a positive reentry.

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. Applying this standard to the circumstances of Mr. Whitney's case, the Board is of the unanimous opinion that John Whitney is rehabilitated and, therefore, merits parole at this time.

**Special Conditions:** Reserve to LTRP; Waive work for program; Curfew at PO's discretion; ELMO-electronic monitoring at PO's discretion; 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 or association with Laura Owens; No contact with victim's family; Must have mental health counseling for adjustment; Continue with SMART recovery.

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

/s/ Pamela Murphy p.p. Courtney E. Doherty  
Pamela Murphy, General Counsel

2/9/23  
Date