



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

LAWRENCE HEARN

W45406

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 6, 2016

DATE OF DECISION: June 26, 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 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.¹

I. STATEMENT OF THE CASE

On October 14, 1988, in Suffolk Superior Court, Lawrence Hearn was found guilty of murder in the second degree for the shooting death of John Maragni. Accordingly, Mr. Hearn was sentenced to life imprisonment with the possibility of parole. That same day, he was also convicted of unlawful possession of a firearm and received a concurrent sentence of 4 to 5 years.²

On April 2, 1988, after an altercation at a Revere bar between Lawrence Hearn and some other patrons, Mr. Hearn returned to the scene with a gun looking for the people he had fought with. One of them, John Maragni, crossed the street towards Mr. Hearn's vehicle. Observers heard a loud noise and then saw Mr. Maragni collapse at the curb. Mr. Hearn fled

¹ Five Board Members voted to deny parole with a review in three years from the date of the hearing. One Board Member voted to deny parole with a review in four years.

² Both the murder conviction and the firearms conviction were upheld on appeal. See Commonwealth v. Hearn, 31 Mass.App.Ct. 707 (1991).

soon after the murder. Twelve days later, Mr. Hearn was arrested for the murder of John Maragni in Denver, Colorado. He admitted to firing one shot at the victim.

II. PAROLE HEARING ON DECEMBER 6, 2016

Lawrence Hearn, now 59 years old, appeared before the Parole Board for a review hearing on December 6, 2016. He was represented by Harvard Law School Student Attorneys Katherine Robinson and Raquel Babb. Mr. Hearn was denied parole after his initial hearing in 2003. After his review hearing in 2005, he was granted parole and released to a long term residential treatment program. Upon successful completion of the long term residential program, he began working to establish his career as a barber. He received his barber's license in 2006. Over the next two years, Mr. Hearn was summonsed to court several times for driving infractions, which he promptly resolved. In September 2008, Mr. Hearn was arrested by Lynn police and charged with intimidation of a witness and threats to commit a crime. After a provisional revocation that was not affirmed, a graduated sanction was issued, and Mr. Hearn was released in February 2009. In 2012, Mr. Hearn was given numerous parole warning tickets for failure to pay his supervision fees and also had issues with the suspension of his driver's license. The Parole Board issued a Final Warning and added the condition of a curfew.

On June 6, 2013, Mr. Hearn was arrested and charged with paying for sexual conduct. At the time of his arrest, he was operating a vehicle owned by an individual known to have a criminal record. He was found in violation of his parole based on the new offense, failure to pay his supervision fee, being in violation of his curfew, and association with a person known to have a criminal record. In January 2014, revocation was affirmed on all counts and his parole was revoked. After a review hearing in March 2014, Mr. Hearn was again re-paroled. However, in May 2016, he was arrested and charged with possession with intent to distribute marijuana. He was returned to custody and parole was revoked again in September 2016.

In his opening statement to the Board, Mr. Hearn apologized for his bad decisions that resulted in his many parole violations. He also spoke about his accomplishments in the community, which included the mentoring of troubled youth, and his steady employment. The Board asked Mr. Hearn if he has an understanding of why he continuously has trouble adhering to the rules and regulations of parole supervision. Mr. Hearn's only response was that he needs to use better judgment. Regarding his most recent parole violation, Mr. Hearn told the Board that he has been sober since 1988. He stated that he was not "selling marijuana," but only buying it for a few friends (and his fiancé), who were sick and needed it for medicinal purposes. After further questioning by the Board, he admitted that his behavior was the same as a drug dealer selling marijuana. However, Mr. Hearn continued to mitigate his actions with excuses. Questioning by the Board also forced him to admit that his two friends and his fiancé did not have medical marijuana prescriptions (or cards) because they had been denied such by physicians. He also told the Board that, contrary to what he told the Hearing Examiner at his preliminary revocation hearing, he did not tell his fiancé to "flush" his phone after his May arrest. He told the Board that his fiancé erased the contents of his phone after his arrest on her own accord and that it had nothing to do with him selling marijuana.

The Board expressed concern that over the past decade of parole violations, Mr. Hearn has continuously minimized his conduct, including what he just told the Board about his most recent violation. The Board noted that each time he violated parole (since his initial release in

2006), he comes up with stories and excuses as to why he misbehaved and exhibited criminal thinking. One Board Member noted that this was his third parole opportunity, making it hard to believe that Mr. Hearn could think that selling marijuana was a good idea. The Board Member further expressed concern that his criminal behavior went on for four months, only stopping because he got caught. Another Board Member questioned how he could rationalize being a recovering drug addict, and mentoring DYS kids, at the same he was dealing drugs while on parole for murder. Mr. Hearn simply told the Board that he has no excuse for his behavior.

The Board considered letters in support of parole from Mr. Hearn's fiancé and her son. The Board considered a letter in opposition to parole from Suffolk County Assistant District Attorney Charles Bartoloni.

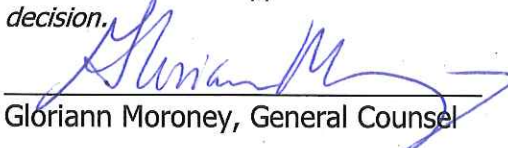
III. DECISION

The Board is of the opinion that Mr. Hearn has not yet demonstrated a level of rehabilitative progress that would make his re-release compatible with the welfare of society. Mr. Hearn continues to minimize his behavior, and he provided testimony at this hearing that was inconsistent with the evidence. He also has a poor history on parole supervision.

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. The Board has also taken into consideration Mr. Hearn's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Hearn's risk of recidivism.

After applying this standard to Mr. Hearn's case, the Board is of the unanimous opinion that Mr. Hearn does not merit parole at this time. Mr. Hearn's next appearance before the Board will take place in three years from the date of this hearing.

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

6/26/17
Date