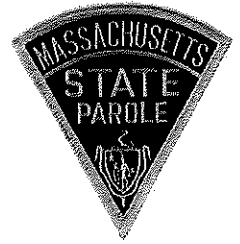


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

LAWRENCE HEARN

W45406

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 12, 2019

DATE OF DECISION: May 12, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

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 a suitable candidate for parole.¹ Parole is granted to an approved home plan with special conditions and after DA clearance.

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 21-year-old 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 (age 30) and 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 Mr. Hearn received four votes to grant parole and three votes to deny parole.

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 12, 2019

Lawrence Hearn, now 61-years-old, appeared before the Parole Board for a review hearing on December 12, 2019. He was not represented by an attorney. Mr. Hearn was denied parole after his initial hearing in 2003. After his review hearing in 2005, he was granted parole. 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. His provisional revocation was not affirmed and a graduated sanction was issued. Mr. Hearn was released in February 2009. In 2012, Mr. Hearn was given numerous parole warning tickets for failure to pay his supervision fees. He 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, 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. Mr. Hearn was returned to custody, and his parole was revoked in September 2016. He was denied parole after his review hearing in 2016.

In his opening statement to the Board, Mr. Hearn apologized to the victim's family and expressed his remorse. Since returning to custody, he stated that he has become more conscious of who he is and what he does. As to his arrest in 2013 for soliciting sex, Mr. Hearn explained that he went to a Chinese restaurant to eat and was approached by a female. When she asked him if he wanted to spend some money, he responded that he would spend ten dollars. He was then arrested, and his parole was revoked. When he spoke about his last parole supervision, Mr. Hearn admitted to the Board that he sold marijuana. He indicated that he only sold it once or twice a month, and that he only dealt with two people. He denied smoking marijuana. When Board Members questioned him as to why he would be involved with marijuana, while on parole for murder, Mr. Hearn responded that he "wasn't thinking" and that he was helping cancer patients, who needed it.

Mr. Hearn explained that his parole failures occurred because he did not understand that "for every action, there is a reaction." He told the Board that he knows he can do better in following the rules. Through his recent programming efforts, Mr. Hearn learned that he must think about the consequences of his actions, abide by rules and regulations, and be aware of everything he does. He acknowledged his prior "criminal thinking" while on parole. Mr. Hearn stated that he completed the Correctional Recovery Academy program. He also participates in one-on-one counseling, volunteers at the barber shop, and is involved with AA. He indicated that counseling is important to him because he is able to discuss his issues in a safe environment. If paroled, he plans to return to his job as a barber and live with his girlfriend. In addition, he would utilize AA/NA to maintain his sobriety.

There was no testimony in support of, or in opposition to, parole.

III. DECISION

Board Members are of the opinion that Mr. Hearn has demonstrated a level of rehabilitative progress that would not make his release on community supervision incompatible with the welfare of society. Since his return to custody, he has completed several programs to further address his causative factors and criminal thinking. Through his participation, he appears to have gained insight and has the necessary tools and coping skills to be successful 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. In forming this opinion, the Board has 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 also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Hearn's risk of recidivism. After applying this appropriately high standard to the circumstances of his case, the Board is of the opinion that Lawrence Hearn merits parole at this time. Parole is granted to an approved home plan with special conditions and after DA clearance.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 weeks; Must be at home between 10pm and 6am or at PO discretion; ELMO-electronic monitoring; 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 [name]; Must have mental health counseling for adjustment/transition; Long Term Residential Program - minimum 6 months; AA/NA at least 3 times/week.

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.


Pamela Murphy, General Counsel


Date