

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

Gloriann Moroney
Chair

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

PHILIP HEARTLEY
W55563

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 12, 2021

DATE OF DECISION: May 5, 2021

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

STATEMENT OF THE CASE: On December 7, 1993, in Hampden Superior Court, Mr. Heartley pleaded guilty to second-degree murder of 32-year-old Lennie Lee Brown. He was sentenced to life imprisonment with the possibility of parole.

Mr. Heartley appeared before the Parole Board for a review hearing on January 12, 2021 and was represented by Attorney Melanie Regis. This was Mr. Heartley's first appearance before the Board since his final revocation hearing in 2019. Mr. Heartley was previously released on parole in 2009, 2013, 2014, and 2017 but was revoked due to parole violations. The entire video recording of Mr. Heartley's January 12, 2021 hearing is fully incorporated by reference to the Board's decision.

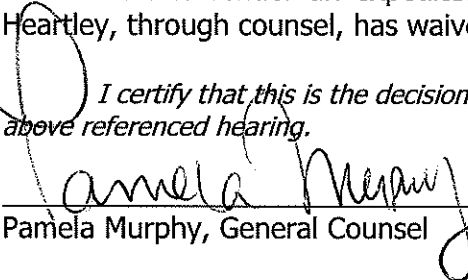
DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by an unanimous decision that the inmate is a suitable candidate for parole. Reserve to Long Term Residential Program, Crozier House with the added conditions of sobriety/SCRAM and polygraph. Mr. Heartley is convicted for the murder of Lennie Lee Brown in April of 1993. Since his return to custody, he has been active in mental health counseling, anger management, cognitive behavior, AA the 12 Step and Big Book programs. Mr. Heartley has a strong network of support. Re-incarceration has served its purpose. Re-parole with added conditions meets the legal standard.

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." In forming this opinion, the Board has taken into consideration Mr. Heartley'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. Heartley's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Heartley's case, the Board is of the unanimous opinion that Mr. Heartley is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program (LTRP), Crozier House; Waive work for LTRP; Curfew at must be home between 10 p.m. to 6 a.m.; ELMO-electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Polygraph testing at PO's discretion; Report to assigned MA Parole Office on day of release; No contact with [named individual]; No contact with victim's family; Must have mental health evaluation – adhere to treatment plan; AA/NA at least 3 times/week; Mandatory – sobriety/SCRAM.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Heartley, through counsel, has waived his right to a full administrative decision.

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



Pamela Murphy, General Counsel

5/9/2021
Date