



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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RECORD OF DECISION

IN THE MATTER OF

PHILLIP PENNELLATORE
W39371

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 3, 2025

DATE OF DECISION: August 20, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted to Bethany House 30 days from date of Decision.

PROCEDURAL HISTORY: On December 8, 1982, in Suffolk Superior Court, Phillip Pennellatore was convicted of murder in the first-degree for the death of Palmira Piciulo. He was sentenced to life in prison without the possibility of parole. On that same date, Mr. Pennellatore received two consecutive life sentences with the possibility of parole for armed robbery and armed assault in a dwelling to be served concurrently with each other.

Phillip Pennellatore became parole eligible following the Supreme Judicial Court's decision in *Commonwealth v. Mattis*, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision regarding Mr. Pennellatore's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after 15 years. On April 3, 2025, Phillip Pennellaore appeared before the Board for an initial hearing. He was represented by Attorney Michael Waryasz. The Board's decision fully incorporates by reference the entire video recording of Phillip Pennellatore's April 3, 2025, hearing.

¹ Former Chair Tina Hurley participated in the hearing on this matter but departed from the Board prior to this decision.

STATEMENT OF THE CASE:² On April 6, 1981, 20-year-old Phillip Pennellatore and his co-defendants participated in the beating death of 84-year-old Palmira Piciulo during an armed robbery of her apartment in Roslindale. One of the co-defendants, Donna Westbrooks, lived in a second-floor apartment underneath Ms. Piciulo, who lived alone in an apartment on the third floor. Several days prior to the murder, Ms. Westbrooks observed that Ms. Piciulo owned several valuable items of jewelry. The co-defendants devised a plan to steal these items. On April 6, Ms. Westbrooks and another co-defendant, James Costello, went to Ms. Piciulo's apartment, where they were invited in and served orange juice by Ms. Piciulo. Mr. Costello rose from the table to put the glasses in the sink. He then walked up behind Ms. Piciulo, removed a heavy black telephone cable from his sleeve, and struck Ms. Piciulo several times with the cable on the back of her head.

Ms. Westbrooks returned to her apartment and told Mr. Pennellatore that Mr. Costello needed his assistance. Mr. Pennellatore ran upstairs and saw Ms. Piciulo lying on the kitchen floor. As Ms. Piciulo began to rise from the floor, Mr. Pennellatore took the cable and struck her until she lay motionless on the floor. Mr. Pennellatore and Mr. Costello then proceeded to steal items from Ms. Piciulo's apartment. Just prior to their departure, they noticed that Ms. Piciulo was still alive. The co-defendants suffocated her, struck her with a hammer, and slit her wrists before leaving.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. *Commonwealth v. Mattis*, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." *Id.* (citing *Diatchenko v. District Attorney for the Suffolk Dist.*, 466 Mass. 655, 674 (2013) (*Diatchenko I*); *Miller v. Alabama*, 567 U.S. 460, 471 (2012); *Graham v. Florida*, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky

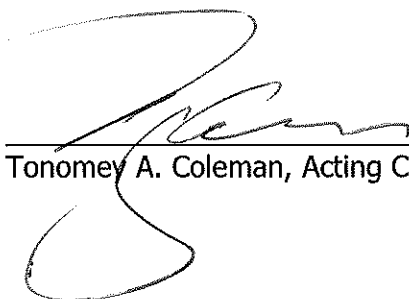
² Taken from *Commonwealth v. Phillip Pennellatore*, 392 Mass. 382 (1984).

behavior; and 4) an emerging adult's greater capacity for change. *See Mattis*, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Pennellatore is 64-years-old and has been incarcerated approximately 44 years. The Board reviewed the application of the Mattis factors attendant to the emerging adult brain. The Board reviewed the report of Leo Keating. Mr. Pennellatore's meaningful rehabilitative programming pre-dated Mr. Pennellatore's parole eligibility as a result of the Mattis decision. Mr. Pennellatore has had no disciplinary reports since 1992. He obtained his bachelor's degree through Boston University while incarcerated. Mr. Pennellatore spoke about Jericho Circle and wrote a lengthy impact statement in Restorative Justice. The Board considered testimony from four individuals in support of parole. The Board also considered testimony of Suffolk County ADA Montez Haywood in opposition to parole. The Board concludes by unanimous decision that Mr. Pennellatore has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work; Electronic monitoring for 6 months after release; 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 victim's family; Must have mental health counseling for adjustment; Residential program requirement: Bethany House.

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.



Tonomey A. Coleman, Acting Chair

Date