

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



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

**ROBERT GUERTIN
W58288**

TYPE OF HEARING: Review Hearing
DATE OF HEARING: September 22, 2020
DATE OF DECISION: August 26, 2021

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 by unanimous vote, that the inmate is not a suitable candidate for parole. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 22, 1995, in Worcester Superior Court, Robert Guertin pleaded guilty to the second-degree murder of six-month-old Amber Rose Gibson. He was sentenced to life in prison with the possibility of parole.

In September 1993, Robert Guertin was living with Amber's mother, whom he had met while incarcerated for an unrelated matter. On the evening of Amber's death, September 16th, Mr. Guertin was home with Amber, while her mother worked the night shift at Dunkin Donuts. Amber's mother last saw Amber in the play pen and Mr. Guertin on the couch. The next morning, after returning home from work, Amber's mother found the baby's badly beaten body inside the play pen and a suicide note from Mr. Guertin in the kitchen. Amber had bruising to her face, forehead, rib cage, and vaginal area. A subsequent autopsy determined the cause of death to be "multiple massive skull fractures." Later that day, Mr. Guertin was arrested at Burbank Hospital, where he was treated for self-inflicted wounds to his neck and wrists.

II. PAROLE HEARING ON SEPTEMBER 22, 2020

On September 22, 2020, Robert Guertin, now 49-years-old, appeared before the Parole Board for a review hearing. He was not represented by counsel. Mr. Guertin was denied parole after his initial hearing in 2015. In his opening statement to the Board, Mr. Guertin apologized for the anger, pain, and grief he caused the victim's family. When the Board discussed his childhood and the abuse he suffered, Mr. Guertin recounted how he was abused by his mother's boyfriend. He also described how he witnessed the physical and sexual abuse of his sisters. Mr. Guertin said that he began drinking in high school and described a period of about six months when he used inhalants. He subsequently dropped out of high school and received his GED.

In discussing the governing offense, Mr. Guertin stated that on the night of the murder, he was babysitting his girlfriend's six-month-old daughter, Amber. He passed out drunk, but then woke to the cries of Amber. He described falling on the baby and, when she cried, taking her into the bathroom to wash her. Mr. Guertin said that he dropped the baby in the bathtub, severely injuring her head. Then, he just "lost it" and started hitting the baby all over her body. When he realized that he had killed her, he tried unsuccessfully to revive her using CPR. Mr. Guertin claims to have turned himself in to the hospital; however, he could not remember any of the facts.

The Board noted that Mr. Guertin has worked for the past 9 years as a baker. He has incurred only 6 Disciplinary Reports during 27 years of incarceration. The Board noted that Mr. Guertin had not participated in many programs, but that the programs in which he participated were meaningful. Mr. Guertin recognized that unresolved anger management issues related to growing up with violence contributed to his beating Amber to death. Mr. Guertin stated that, through his participation in counseling and programming addressing childhood trauma and anger management, he now has tools he uses to deal with his anger. When the Board questioned him as to why he only recently (2015) started to participate in available educational, rehabilitative, or vocational programming, Mr. Guertin claimed that his poor communication skills hindered his access to programming. When Board Members expressed concern that he attended Alcoholics Anonymous sporadically, Mr. Guertin explained that there are disruptive inmates who do not take the program seriously. Mr. Guertin's parole plan includes release to his sister's house, where he would obtain a job, participate in counseling, and address his substance abuse issues.

The Board considered testimony from Mr. Guertin's family members. The victim's mother and grandmother offered testimony in opposition to parole. Worcester County Assistant District Attorney Amanda King testified in opposition to parole and submitted a letter of opposition.

III. DECISION

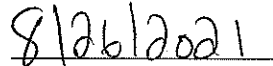
The Board is of the opinion that Robert Guertin has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Guertin beat to death six-month old Amber Rose Gibson. Since his last hearing, he has gained insight as to his causative factors through his participation in meaningful treatment and programming. He completed Violence Reduction, Criminal Thinking, Alternatives to Violence (basic), Correctional Recovery Academy and Cognitive Skills. Mr. Guertin is encouraged to participate in the Restorative Justice programming and continue to engage in all other recommended programming and address [his] mental health and anger. Mr. Guertin has a long history of trauma and abuse.

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. Guertin'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. Guertin's risk of recidivism. After applying this standard to the circumstances of Mr. Guertin's case, the Board is of the opinion that Robert Guertin is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Guertin next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Guertin to continue working toward his full rehabilitation.

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