



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

Telephone: (508)-650-4500

Facsimile: (508)-650-4599

Tina M. Hurley
Chair

Daniel Nakamoto
Acting Executive Director

RECORD OF DECISION

IN THE MATTER OF

ROBERT GUERTIN
W58288

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 12, 2023

DATE OF DECISION: December 13, 2023

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted, after 9 months in lower security, to long-term residential program, sober house, or CRJ.¹

PROCEDURAL HISTORY: 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. Mr. Guertin waived his first hearing in 2008 and postponed his hearing scheduled for 2013. Parole was denied following review hearings in 2015 and 2020. Mr. Guertin, 52 years old, appeared before the Board on September 12, 2023 for a review hearing. He was represented by two student attorneys from the Harvard Prison Legal Assistance Project, under the supervision of Attorney Joel Thompson. The Board's decision fully incorporates by reference the entire video recording of Mr. Guertin's September 12, 2023 hearing.

STATEMENT OF THE CASE: In September 1993, Robert Guertin (then 22 years old) 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 playpen and Mr. Guertin on the couch. The next morning, after returning home from work, Amber's mother

¹ One Board Member voted to deny parole with a two-year review.

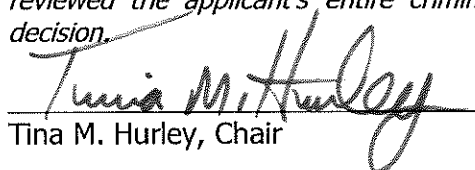
found the baby's badly beaten body inside the playpen and a suicide note from Mr. Guertin in the kitchen. Amber had bruising to her face, forehead, rib cage, and vaginal area. A subsequent autopsy determined the cause of death to be "multiple massive skull fractures." Later that day, Mr. Guertin was arrested at Burbank Hospital, where he was treated for self-inflicted wounds to his neck and wrists.

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 (if applicable).

DECISION OF THE BOARD: Mr. Guertin has been incarcerated for 30 years. He has been sober throughout his incarceration, and has only incurred seven minor disciplinary reports. Since the last hearing, he has furthered his rehabilitation by completing CRA, additional programming via the tablet, and completed serve safe. Mr. Guertin has also been attending counseling since the last hearing. Mr. Guertin has tried to pursue Restorative Justice and agrees to pursue available treatment related to victim empathy and restorative justice in lower security or via community resources. Mr. Guertin has sufficiently addressed the precipitants to his offense and would benefit from more intensive therapy via counseling in the community. Mr. Guertin has established a re-entry plan that will meet his needs. He has a support system to assist him with his re-entry. Mr. Guertin had four family members who spoke in support of his parole. The victim's mother and Assistant District Attorney Danielle Borges from Worcester County spoke in opposition to parole.

Special Conditions: Waive work for when program allows; Board must approve all out-of-state travel; Curfew: must be at home between 10PM and 6AM; Electronic monitoring; Must take prescribed medication; 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 to address victim empathy and adjustment; Long-term residential program, CRJ, or sober house for 90 days; AA at least 3 times per week, and obtain sponsor.

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.


Tina M. Hurley, Chair

12/13/2023

Date