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DECISION

IN THE MATTER OF

WAYNE PURTELL

W35433

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 15, 2016

DATE OF DECISION: July 20, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 a suitable candidate for parole. Parole is granted to a long term residential treatment program with special conditions, after successful adjustment of six months in lower security.

I. STATEMENT OF THE CASE

On March 25, 1976, in Middlesex Superior Court, Wayne Purtell pled guilty to two counts of second degree murder in the deaths of Robert Guerin and Carmelo Rosado Gonzalez. He received two concurrent life sentences for these convictions. Mr. Purtell was also convicted of armed robbery for which he received a concurrent life sentence, two counts of conspiracy to commit murder for which he received a state prison sentence of 18 to 20 years, and two counts of assault and battery for which he received 8 to 10 years, all to run concurrently with his life sentences. There are no appeals on this matter.

On March 15, 1997, Mr. Purtell and his co-defendant Thomas Young went to Mr. Guerin's Lowell apartment with the initial plan of borrowing Mr. Guerin's gun to rob a drug store. Upon arrival, the two men had a brief conversation with Mr. Guerin and purchased drugs from him. Mr. Purtell and Mr. Young then went to a local café, where they consumed several

alcoholic beverages and ten Quaaludes apiece. During this time, Mr. Purtell and Mr. Young decided to abandon their plan to rob the drugstore and, instead, conspired to rob Mr. Guerin, who they knew had money and drugs in his apartment. They went back to the apartment and convinced Mr. Guerin to show them how to use the gun. Once inside the apartment, Mr. Guerin (who had his back to Mr. Purtell) began showing Mr. Young how to load the gun. Mr. Purtell then pulled out a knife and stabbed Mr. Guerin in the back and throat. After stabbing Mr. Guerin, Mr. Purtell put a pillow over Mr. Guerin's head, while Mr. Young repeatedly shot Mr. Guerin in the head and chest. After hearing a disturbance from inside, Carmelo Rosado Gonzalez knocked on Mr. Guerin's apartment door. Mr. Purtell hid behind the door of the apartment, while Mr. Young let Mr. Gonzalez inside. Mr. Young then pointed a gun to Mr. Gonzalez and ordered him to get on the ground. When Mr. Gonzalez did not comply, Mr. Purtell came from behind him and stabbed him in the back. Mr. Young then shot Mr. Gonzalez in the head and chest several times.

II. PAROLE HEARING ON DECEMBER 15, 2016

Mr. Purtell was denied parole after his initial hearing in 1990. He was paroled in 1991, but was unable to maintain his sobriety. He was returned to custody in 1992, and his parole was revoked. Mr. Purtell had review hearings in 1992, 1994, 1997, and 2000, all of which resulted in the denial of parole. In 2003, Mr. Purtell was again released to parole supervision. After a relapse, he was returned to custody in 2008 and parole was revoked. He was re-paroled in 2009 to an inpatient drug treatment program. In 2010, he turned himself in to his parole officer and admitted to numerous violations, including relapse. He subsequently appeared before the Parole Board on September 8, 2011, and parole was denied with a five year review.

Mr. Purtell, now 62-years-old, appeared before the Parole Board for a review hearing on December 15, 2016, and was represented by Attorney Thomas Butters. In Mr. Purtell's opening statement, he expressed remorse for the deaths of Mr. Guerin and Mr. Gonzalez. He accepted full responsibility for his crimes and for the grief and sorrow he caused their families. Mr. Purtell also apologized to the Board for his attitude at his last hearing. The Board discussed Mr. Purtell's positive institutional adjustment, having received only one disciplinary report since his re-incarceration. The Board also acknowledged the multitude of programming and rehabilitative efforts that he has engaged in. Mr. Purtell works as a block runner at the institution and has successfully participated in a variety of programs, including those recommended by the Department of Correction in his risk reduction plans. Since his hearing in 2011, Mr. Purtell has participated in such programs as Taking a Chance on Change and Cognitive Thinking, as well as numerous correspondence courses. He attends Big Book 12 Step and NA/AA meetings on a weekly basis and participates in Violence Reduction.

Throughout the course of his hearing, Mr. Purtell discussed his alcoholism and how it has affected his life. Upon receipt of his last Record of Decision, he acknowledged that he was angry and, after a period of self-reflection, began to realize that his attitude and behaviors were the common denominators in his inability to be successful in the community. He pursued mental health staff for assistance in enrolling in the Taking a Chance on Change program and immersed himself in weekly Big Book 12 Step and NA/AA meetings. He now understands that his resentment and susceptibility to negative behaviors are contributing factors to his prior parole failures. In addition, the Big Book 12 Step program has taught him humility. He

believes that these programs have been instrumental in helping him to understand his addiction and providing him with the necessary tools to prevent relapse.

Mr. Purtell had two supporters in attendance at his hearing. The Board considered testimony from a friend, who expressed strong support for parole. The Middlesex County District Attorney's Office submitted a letter in opposition to parole. Middlesex County Assistant District Attorney Lisa Fuccioni spoke in opposition to parole.

III. DECISION

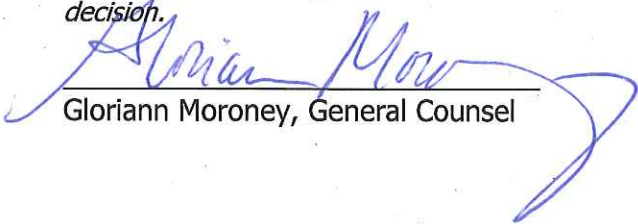
Wayne Purtell has used this period of re-incarceration to further address his substance use and abuse. The Board strongly recommends that Mr. Purtell be screened for Vivitrol while under parole supervision.

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. Purtell'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. Purtell's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Purtell's case, the Board is of the unanimous opinion that Wayne Purtell is a suitable candidate for parole.

Parole is granted to a long term residential treatment program with special conditions, after successful adjustment to six months in lower security.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program (LTRP); Must be home between 10:00 pm and 6:00 am; Electronic monitoring at Parole Officer discretion; 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; Must have mental health evaluation and adhere to plan; Long Term Residential Treatment; AA/NA at least three times/week; Mandatory 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.


Gloriann Moroney, General Counsel

7/20/17
Date