



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**ROBERT GUERTIN**

**W58288**

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** September 15, 2015  
**DATE OF DECISION:** December 10, 2015

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

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 scheduled in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On March 22, 1995, in Worcester Superior Court, Robert Guertin pled guilty to the second degree murder of six month old Amber Rose Gibson. Subsequently he was sentenced to life in prison, with the possibility of parole. Mr. Guertin is currently 44 years old.

During September of 1993, Mr. 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 16<sup>th</sup>, Mr. Guertin was home with Amber while her mother was working the night shift at Dunkin Donuts. Amber's mother last saw her in the play pen, while Mr. Guertin was on the couch.

The next morning, after returning home from work, Amber's mother found her 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 the Burbank hospital where he was being treated for self-inflicted wounds to his neck and wrists.

## **II. PAROLE HEARING ON SEPTEMBER 15, 2015**

Mr. Guertin came before the Parole Board on September 15, 2015 for a review hearing. This was his first appearance before the Board and occurred at his request. Although he was first eligible for parole in September of 2008, Mr. Guertin waived his initial appearance before the Board and postponed his next scheduled hearing in 2013.

Mr. Guertin gave an opening statement to the Board, in which he apologized for his actions. During the course of the hearing, he spoke about the night of the murder. According to Mr. Guertin he had been out drinking earlier that day and returned home where he had been living with his girlfriend and her six month old daughter, Amber. At some point he passed out and was awoken later by Amber's crying. While in the process of changing her diaper, Mr. Guertin carried Amber to the bathroom when he tripped and fell on top of her. An inexplicable anger came over him and he began to hit Amber repeatedly, stopping only after his hand started to hurt. Mr. Guertin then threw Amber into the floor, face first, only to pick her up and carry her to the bathroom where he dropped her in the tub, head first. He then noticed that Amber's head was "broken" and her body was limp. Realizing she was dead, Mr. Guertin placed Amber into her play pen.

Over the course of the hearing, Mr. Guertin communicated to the Board that he was not rehabilitated. In the past year he has not had any visitors at MCI-Shirley, the medium security facility where he is presently serving his sentence. He further acknowledged a need for counseling and the benefits to be gained from attending Alcoholics / Narcotics Anonymous.

## **III. DECISION**

The Board is of the opinion that Mr. Guertin has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming, including anger management, substance abuse, and the Correctional Recovery Academy would be beneficial to Mr. Guertin's rehabilitation.

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. After applying this standard to the circumstances of Mr. Guertin's case, the Board is of the unanimous opinion that Mr. Guertin is not yet rehabilitated and therefore does not merit parole at this time. Mr. Guertin's next appearance before the Board will take place in five years from the date of the review hearing related to this decision. During the interim, the Board encourages Mr. Guertin to continue working towards his full rehabilitation by committing to programming that will address his anger and substance abuse issues.

*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.*

  
Michael Callahan, Executive Director

December 10, 2015  
Date