



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

GEORGE HAGGERTY

W39898

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 14, 2012

DATE OF DECISION: September 5, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

George Haggerty was convicted by a jury of robbery, burglary with assault on an occupant, and the first-degree murder of Esther Owens, age 82, for his actions in breaking into Mrs. Owens' apartment in Springfield, robbing her, and beating her. The incident occurred shortly after midnight on June 16, 1982. She was found unconscious on the kitchen floor, her jaw broken in several places, with eyes and face swollen. She endured several surgeries on her jaw, and was returned to intensive care in July when she had an incident of heart failure. She remained in the hospital until she died on August 11, 1982.

Mr. Haggerty received concurrent life sentences for the murder, robbery, and burglary. On appeal the Supreme Judicial Court affirmed the convictions for robbery and burglary, but reversed the murder conviction due to defense counsel's failure to present medical evidence that Mrs. Owens' heart condition existed before the incident and might have been the cause of her death. The Hampden District Attorney decided in 1987 not to re-try the murder charge and Mr. Haggerty therefore is seeking parole on his life sentences for robbery and burglary with assault on an occupant.

Mr. Haggerty has numerous criminal convictions that occurred before the murder. He has convictions for rape, several larceny cases, several breaking and entering cases, robbery, and assault and battery with a dangerous weapon. He received concurrent seven year sentences in 1975 for the charges of robbery and assault and battery with a dangerous weapon.

II. PAROLE HEARING ON AUGUST 14, 2012

This hearing was Mr. Haggerty's fourth parole hearing. At his first two parole hearings he denied he committed the crimes. Police stopped Mr. Haggerty shortly after the crimes as he ran from the vicinity of the crime scene. He had bloody scrapes on his knuckles and the victim's belongings in his possession. Given that evidence and the jury's verdict, it is especially puzzling that Mr. Haggerty lied about his involvement for 25 years. Only at his third hearing, in 2007, did Mr. Haggerty finally admit that he is the perpetrator who robbed and beat Esther Owens. He said his "stubbornness" caused him to deny the crimes and he decided to admit the crime in 2007 because he wanted a better chance at parole.

At this hearing Mr. Haggerty described that he was drinking in a bar on the night of the crime and decided to break into some houses on the way home. When Mrs. Owens woke up and found him in her apartment, Mr. Haggerty said "I got scared, I hit her and I kept on hitting her." Board Members pointed out that the elderly woman posed no threat, that Mr. Haggerty was not actually scared, and that he could have easily run from the apartment without beating her.

Mr. Haggerty took the curious position that, other than the rape, the crimes on his record are not his and are mistakenly included on his criminal record. He claimed that he had never been incarcerated before this incident. He stated that the rape involved a 14-year-old girl with whom he had a relationship. He reluctantly admitted that he got her involved in prostitution. Upon questioning, he finally admitted that he did commit the other offenses on his record and that he had served a state prison sentence for robbery and assault and battery with a dangerous weapon. It was not clear why Mr. Haggerty initially tried to convince the Parole Board that he did not commit the many crimes contained on his record.

He has 44 disciplinary reports. There were no supporters at the hearing. Hampden Assistant District Attorney Howard Safford spoke in opposition to parole.

III. DECISION

Mr. Haggerty has minimal involvement in rehabilitative programs. He has been told by the Parole Board in three previous decisions that he will not be a serious candidate for parole if he does not seek rehabilitation. Despite that advice, Mr. Haggerty persists in a prison lifestyle that includes little in the way of productive activity or rehabilitative programming. He would likely re-offend if released and his release is not compatible with the welfare of society. Accordingly, parole is denied. Given that Mr. Haggerty currently shows no motivation for reform or rehabilitation, there is no reason to reduce the statutory period of five years before his next review hearing. As Board Members explained to Mr. Haggerty at his hearing, he needs to take responsibility for his own improvement, commit to reform, and get to work in rehabilitative programs if he wants to be a serious candidate for parole.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Timothy V. Dooling, General Counsel

9/6/12

Date