



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**WAYNE PURTELL**

**W35433**

**TYPE OF HEARING:** Review Hearing after Revocation

**DATE OF HEARING:** September 8, 2011

**DATE OF DECISION:** June 20, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, John Bocon, Dr. Charlene Bonner, 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. INTRODUCTION**

Mr. Purtell appeared before the Massachusetts Parole Board on September 8, 2011 for a release hearing, his parole having been previously revoked by unanimous vote of the Board. After careful consideration of all relevant facts, including the nature of the underlying offense, the circumstances surrounding his multiple parole violations, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional deportment, and his level of engagement with rehabilitative programming while incarcerated, we conclude that a further parole opportunity is not indicated at this time.

**II. STATEMENT OF FACTS**

The inmate was convicted in the Superior Court of two counts of second-degree murder. Both murders were committed in connection with an armed robbery carried out by the inmate and his codefendant, Thomas Young, on March 15, 1975. The victims were Robert Guerin and Carmelo Gonzalez.

At the time of the murders, both the inmate and Young were active drug addicts. According to the inmate, Mr. Guerin was their occasional supplier. On the day of the murders, the inmate and Young, having exhausted their supply of drugs, decided to rob Mr. Guerin. After arming themselves with a knife and a rifle, they went to Mr. Guerin's home. Upon gaining entry, they demanded drugs and money. When neither was forthcoming, the two men brutally assaulted Mr. Guerin, stabbing and shooting him repeatedly.

Shortly after the murder, and while the inmate and Young were looting Mr. Guerin's apartment, Mr. Gonzalez had the misfortune to arrive. After admitting him, the inmate and Young immediately attacked Mr. Gonzalez, shooting and stabbing him repeatedly, as well. A brief police investigation ensued. Ultimately, Young confessed and implicated the inmate. Both were convicted of the murders and various associated charges.

While incarcerated, the inmate's institutional adjustment was fair. He has been returned to higher custody three times and has received a total of ten disciplinary reports, the most recent in December, 2008. He has completed a number of rehabilitative programs, including the comprehensive CRA program. Most elements of his risk reduction plan have been met. He has also held a number of institutional jobs during his incarceration. On the strength of this record, as well as in consideration of other factors described more fully in the Board's prior record of decision, the inmate was first paroled on October 31, 1991.

### **III. PAROLE HISTORY**

The inmate's parole was not successful. After less than a year, the inmate was implicated in both a robbery and a larceny, relapsed on drugs and went whereabouts unknown. He was apprehended and returned to custody in September, 1992.

Approximately ten years later, in November, 2003, the inmate was re-paroled. This second parole was initially successful. The inmate completed multiple inpatient drug patient programs, found employment and moved into his own house with a girlfriend. Then, in 2006, the inmate suffered a stroke and underwent brain surgery. Thereafter, the inmate suffered chronic pain. Over the next two years, he experienced numerous difficulties. He lost his job, his relationship with his girlfriend ended, and he relapsed on alcohol. His parole was revoked in 2008, and he was returned to custody.

Upon consideration of the various factors that had led to the inmate's parole failure, he was re-paroled in March, 2009 to an inpatient drug treatment program. His adjustment was initially positive. He completed the program and moved to a halfway house where he received further treatment. Unfortunately, within little more than year after his re-parole, the inmate again relapsed. Graduated sanctions were imposed, but the inmate could not bring himself into compliance with his parole conditions. In September, 2010, he turned himself in to his parole officer and admitted to numerous violations. He now seeks a further opportunity to reside in the community on parole.

### **IV. DECISION**

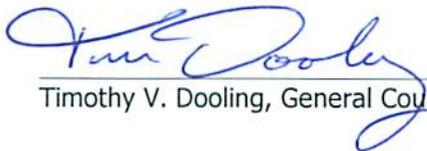
Several considerations underlie our decision. First, we note that the offenses here were unusually egregious. The killing of Mr. Guerin was apparently preceded by efforts to torture the victim into revealing the location of any drugs or money in his home. The killing of Mr. Gonzalez was motivated purely by the inmate's selfish desire to avoid responsibility for Mr. Guerin's death, and evinced a callous disregard for life. Further, while the inmate was largely

able to conform his conduct to the rules of the DOC, he has nonetheless amassed a troubling list of institutional infractions with multiple returns to higher custody. His demeanor at the hearing, as well as some of the answers that he provided, suggest that he may not yet have gained clear insight into the triggers for either his anger or substance abuse. Finally, we note that his community support is marginal at best.

The standard we apply in assessing candidates for parole is set out in 120 CMR 300.04, which provides that “[p]arole 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.” Applying that appropriately high standard here, we find the inmate is not deserving of a further opportunity on parole at this time. He may not apply for further review until at least five years from the date of his last hearing. In the meantime, he should focus on maintaining a clean disciplinary record, taking advantage of any appropriate program opportunities, and preparing a home plan calculated to avoid the various pitfalls that led to his prior parole failures.

We are mindful that some of the inmate’s more recent problems on parole were likely associated with medical issues not within his control. Nonetheless, our result today is mandated by concerns of public safety and the resulting conclusion that parole at this time is not compatible with the welfare of society. However, with diligent efforts on his part, there is every possibility that the inmate may obtain a different result at some future hearing.

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

  
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Timothy V. Dooling, General Counsel

6/20/12  
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Date