



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

GEORGE BINGHAM

W63477

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 17, 2014

DATE OF DECISION: August 21, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the board, and the inmate's testimony, the voting members conclude that the inmate is not suitable for parole. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

In August 1995 George Bingham was 30 years old. For several years he had been a homeless alcoholic with mental health issues. He spent most of his time in Brockton panhandling and drinking alcohol. He slept outside in the woods or in a tunnel. In the months prior to the murder, Bingham occasionally spent time drinking with Michael Gustafson, who also had problems with alcohol. On August 21, 1995, Bingham started drinking at 8:00 a.m. He met up with Mr. Gustafson in the afternoon and they drank together in the woods in Brockton.

At some point in the evening hours, the two men argued over who would go to the store to purchase the next bottle of alcohol. Bingham picked up a broken wine bottle and repeatedly beat Mr. Gustafson in the face, head, and chest. The bottle with jagged glass caused scores of injuries as documented in the autopsy report: multiple stab wounds to the face, neck and chest; multiple fractures of nasal bones; subdural hemorrhage; and multiple incised wounds, multiple abrasions,

multiple lacerations, and multiple contusions on the face, forehead, eyelids, neck, chest, left shoulder, back, hands, right wrist, right arm, and right ankle. Mr. Gustafson was 39 years old.

Bingham was arrested four days after the murder. He pleaded guilty to second-degree murder on October 27, 1997. He has prior criminal convictions in Rhode Island for breaking and entering and domestic assault and battery. He was sentenced to a state prison term for the breaking and entering offenses.

II. PAROLE HEARING ON JUNE 17, 2014

This was Bingham's second parole hearing. His initial hearing was in June 2011. The Parole Board denied Bingham's request for parole based primarily on his disciplinary issues and continued pronounced mental health issues that he appeared to have difficulty managing. Bingham required six commitments to Bridgewater State Hospital and he continued to require the strict and secure services of the residential treatment unit (RTU) in the penal setting. In addition, Bingham presented with a poor plan for re-entry that failed to address his many needs. He was encouraged to comply with mental health services and to work with re-entry to develop a proposed plan that would address his addiction, mental health and other needs.

The Parole Board focused on reviewing Bingham's progress since his last hearing. Bingham stated he had difficulty speaking in the hearing because of "a novicaine shot" that he had received "last year." Bingham periodically would display difficulty in his speech and continued to insist that it was involuntary movements secondary to receiving novicaine over one year ago. Given his presentation, the Parole Board focused on his mental health history, and although Bingham completed the RTU placement in January 2014, he notified the Parole Board that he had decided to change his medication "six weeks ago." The Parole Board expressed concern that he was dictating his own treatment against the medical advice of his providers to which Bingham responded, "I told them I'll decide how much I want to take." The Parole Board also questioned whether his decision to change his medication regimen may lead to decompensation of his mental illness as this has happened in the past. Bingham stated that he felt "drugged up" and felt the medication change would not interfere with his functioning. Bingham was asked about his understanding of his mental health needs. He stated he was diagnosed with "anti-social." He then outlined his history of suicide attempts, stating his most recent suicide attempt was in 2007 when "I cut my neck." Bingham stated that when his mental illness is symptomatic "I hear voices." He stated that his voices can be "very aggressive" and have included command hallucinations telling him to act violently. Bingham gave an example concerning an issue he was having with another individual and he heard voices to "do something very violent to him." Bingham said the medications have helped him treat these symptoms in the past. He denied any recent or current auditory hallucinations or other psychotic symptoms. When asked if he felt he still had issues managing his anger, he stated "I can turn on someone just like that. My anger is always at the surface." The Parole Board expressed concern again about his non-compliance with recommended medications to manage his symptoms, and Bingham responded with conflicting statements as to whether he needed or would accept medications.

The Parole Board explored Bingham's past criminal offenses and difficulties functioning in the community. Bingham asserted that all of his offenses and difficulty managing his life were secondary to alcohol, but he also shared that he had problems in his overall relationships. Bingham shared that he had a meaningful relationship with a girlfriend but "I found my girlfriend was cheating on me so I tried to strangle her in the car. She didn't want to press charges. Then in 1991 she said I pulled a knife and I didn't. Then she pressed charges that were totally false." Bingham also stated that he

has not been able to maintain many positive relationships in his life, but he intends to re-establish a relationship with his mother on parole. Bingham stated that he has applied for Department of Mental Health (DMH) services, but stated he was unsure if he qualified as he would need to receive a parole first before he would know if he was accepted for DMH services. Bingham stated that he would like to be paroled to a DMH residential facility, but then stated "I was told I would eventually get a place of my own." Bingham stated that he currently did not have any supports in the community. There was no one present for his hearing, nor did he provide any letters of support.

A staff person from the Victim Services Unit read a letter of opposition from a member of the Gustafson family. Assistant District Attorney Michael Sheehan from Plymouth County was present at the hearing. ADA Sheehan provided strong opposition to Bingham's request for parole.

III. DECISION

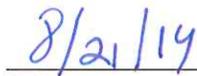
Following George Bingham's last hearing in 2011, he appears to have made some progress, including graduating from the RTU program in January 2014. Bingham, however, reported to the Parole Board that he decided to change his medication regimen six weeks ago. Bingham appeared to display a pronounced decline in his mental status and verbalized a history of violent auditory hallucinations and violent acts. While he denied any recent or current such thoughts or behaviors, he agreed that he has required six hospitalizations at Bridgewater State Hospital due to violent thoughts, behaviors and suicide attempts. The Parole Board expressed concern that Bingham was dictating his own mental health treatment and that he may be in the process of decompensating rather than improving.

Bingham presented at the hearing with verbalizations that indicated he is once again at risk for violence. Based on his criminal history and psychiatric history as indicated in his BSH records, Bingham has a complex psychiatric profile that is further compromised by his serious addiction history. Bingham does not appear to be actively addressing his needs, and in fact, appears to be declining in his rehabilitation. Bingham showed no insight into such concerns and provided no assurance to the Board that he would comply with mental health recommendations whether he was in the institution or in the community.

The standard for parole is set out in 120 C.M.R. 300.04, which provides that "Parole board members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such an 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, the voting members conclude that Bingham is not a suitable candidate for parole at this time because he is not rehabilitated. He will receive a review hearing in five years from the date of the hearing. Bingham is encouraged by the Parole Board to comply with all treatment recommendations indicated by his providers.

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.


Janis DiLoreto Smith, General Counsel


Date