



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

JON LITTLE

W67693

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: August 20, 2013
DATE OF DECISION: March 3, 2014

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

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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF FACTS

Jon Little appeared before the Massachusetts Parole Board on August 20, 2013 for an initial parole hearing on a life sentence he is serving for second degree murder. On October 14, 1998, Little stabbed and killed Paul Peterson, age 58, in Hyannis. Little, a 34-year-old homeless man, had an altercation with the victim over an abandoned railroad shed in Hyannis. Their argument, warmed by vodka, burst into violence. While Little's female companion, Ruth McHenry, looked on, the two combatants, armed with knives, fought one another. Little, with assistance from McHenry, prevailed and Peterson died almost immediately from multiple stab wounds. Little and McHenry left Peterson's body in the railroad shed.

Little and McHenry checked into a motel and spoke with another friend, Elliot Long. Little told Long that he killed a man and said he needed Long to "torch" the railroad shed. Little gave Long \$20 and instructed him to put diesel fuel on Peterson's body, and on the inside and outside of the shed, and light it on fire. Long went to the shed and did as he was instructed.

A little while later, Long returned to the motel room. Little asked Long, "Is it all set?" Long replied, "I took care of it." All of the evidence, including their clothes, was placed in a trash bag and thrown into a dumpster by McHenry. About two hours after Little had killed Peterson, a Barnstable police officer saw smoke billowing from the area of the shed and called the fire department. While Barnstable firefighters were extinguishing the fire, they discovered Peterson's charred body.

On February 7, 2000, after a jury trial in Barnstable Superior Court, Little was convicted of second degree murder and sentenced to serve life in prison.¹ That same day he was also sentenced to serve a concurrent sentence of five to seven years for conspiracy to commit arson. The Massachusetts Appeals Court affirmed the convictions on May 28, 2002. *Commonwealth v. Little*, 54 Mass. App. Ct. 877, 768 N.E.2d 611 (2002).

II. CRIMINAL & INSTITUTIONAL HISTORY

Jon Little has 31 adult arraignments and four restraining orders. Substance abuse related charges include two Possession of Class D substances in 1982 and 1996, an Operating under the Influence of Liquor in 1996, and Operating under the Influence of Drugs in 1996. Little has three threat charges, all taking place in 1994. Two involve the threat of murder and the other a threat of arson. Little also has three separate Assault and Battery with a Dangerous Weapon charges. In 1997, Little was found guilty on one of these charges and received a four to six year suspended sentence from Barnstable Superior Court. He has five Assault and Battery charges. In 1993, he was found guilty of one of these charges and sentenced to six months of probation.

While serving his life sentence, Little has incurred only two disciplinary reports, one in 2000 for not standing for count and the other in 2009 for giving, selling, lending, or trading with another inmate.

III. PAROLE HEARING ON AUGUST 20, 2013

Jon Little, age 49, appeared for his initial parole hearing. He reported he has completed the Alternatives to Violence Program (basic and advanced) and Spectrum Programs (cognitive skills, relapse prevention, violence reduction, and introduction to treatment). He reported no program participation since 2011. He stated he has been employed in the Industries Clothing Shop since 2011. He declined Correctional Recovery Academy (CRA) in 2010 because it would delay his opportunity for a single cell. He also said "it was redundant" for him. Board Members questioned Little regarding his lack of programming, as well as his lack of participation in Alcoholics Anonymous or Narcotics Anonymous. He stated "yes I accept I should be doing those things, but I don't know what else to do." Although he has never attended any meetings, Little stated, "I don't attend AA because the meetings are a joke." He has taken and failed the

¹ Long and McHenry were also charged and convicted in connection with the death of Mr. Peterson. Long was convicted of burning a building and received a two and a half year sentence. He was also convicted of accessory after the fact and conspiracy to commit arson. He received one year from and after for the charge of conspiracy and three years' probation for the charge of Accessory. He was released in September 2001. McHenry was charged with accessory after the fact. She received five years' probation and her case was terminated in February 2005.

GED four times which he attributes to his low IQ, "I'm not very bright; I'm limited as to what I can do." Little appeared unmotivated and unwilling to overcome his struggles with the GED, even after a Board Member advised he could use staff members at the institution to assist him with his issues. He did not appear limited and his cognitive abilities came across as average.

Little reported his parents were alcoholics and his father was a Barnstable Police Officer. He witnessed domestic violence incidents between his parents. He dropped out of school at age fifteen and moved to Texas to work on oil drilling rigs. He stayed in Texas for two to three years and returned to Massachusetts to take care of his mother who was battling addiction issues and homelessness where he "drifted around through jobs." He reported he worked for a bus company for three years assisting mentally handicapped adults. At age 24, he married and moved in with his wife, who had three sons of her own. The marriage lasted nine years and produced two additional children. He stated the relationship ended "because my step-children turned 'evil' and I couldn't discipline them." Little left his wife with the children. He reported the last time he had contact with his ex-wife was in 1998 and has not had any contact with his children in years. Little stated he was diagnosed with bi-polar disorder, went on disability and resided at a homeless shelter in Hyannis. He described himself as "a heavy drinker" and stated "after I was convicted in the 90's of assault I started to attend AA."

In describing the murder, Little gave the following narrative: "I knew Ruth McHenry for four to five months. I knew her husband. Unfortunately I had a relationship with her. Her husband was at a psych unit. I wasn't drinking or doing drugs at that time. I was detoxing from benzos. Prior to the incident I was drinking with her, about several hours prior. I knew Elliot for three months through his girlfriend. I never drank with Elliot. I would hang out at the village green. I used the shack starting about three weeks prior to the murder. I slept there, kept food and other provisions there. Ruth and her husband would stay on occasion. I was detoxing from benzos, shaking and sweating and took a drink. I had been prescribed lithium, klonopin. I think Ruth stole my klonopins; I was on quite a high dosage. I wanted anything to make it stop. 'Bob' provided a fifth of vodka. I encountered Paul in the shack. He swiped at me and cut my head. We fought and I took out by blade and stabbed him. I was cut between the eyes. Ruth was off to the side, she ducked into a duffle bag. I didn't notice how old he was. I had no way out and I ran. Ruth McHenry had Paul's money and knife. I went to a hotel and liquor store with Ruth and Elliot, who torched the shack. Ruth wanted the shack burned because she robbed Paul so her prints were there. I took case to trial. My lawyer was completely incompetent. They offered me no deals. I didn't purposefully or willfully kill him. I didn't set out to kill him. I went to trial as no deals were being offered. Ruth testified against me. She said Paul attacked me and that I killed Paul. I was there. I had done the crime. The appeals lawyer was not very good."

Little has an extensive history of violence, including four past restraining orders with his ex-wife. He admitted he "flew off the handle and I assaulted her once because she took a baseball bat to my head. My first four years with her were event free. We were just having troubles." He denied any other physical altercations with his ex-wife. His violent history includes assault by means of a dangerous weapon, assault and battery with a dangerous weapon, assault and battery, malicious destruction, threat to murder, threat of arson and violation of a restraining order. Little took little responsibility for his prior offenses by making excuses for his violent behavior. He said, "My wives never got arrested for what they did to

me.” He reported that one of the threats charges resulted when he threatened to kill his probation officer.

Little reported he has only incurred two disciplinary reports and has stayed out of trouble because “fighting is not going to change anything.” He reported he is diagnosed with bi-polar disorder and PTSD and attends counseling once a month. He stated he has had psychiatric hospitalizations and had a couple of suicide attempts. He said the last attempt was in 1998 and that he has “no current issues with that.” He reported he has recurring nightmares about the incident. He is currently prescribed trazodone, zyprexa and trilafon.

Little stated he has prepared for parole as he “has done programs and learned a lot, I can do better than before.” He reported he would like to parole to a sober house after completing a ninety day evaluation in a psychiatric hospital. He wants to develop a better “sleep pattern” and wants a “structured environment and find work.” He would like to attend Alcoholics Anonymous and obtain a sponsor. He reported his only support in the community is his sister.

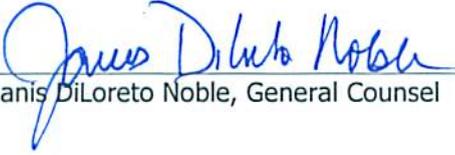
Jacalyn McPherson, Little’s sister, spoke in support of parole. Mrs. McPherson resides in North Carolina and is retired from Duke University after forty years of employment. Little said, “I’m pretty much alone.” He has adult children but he has “no idea where they are.” The Cape & Islands District Attorney’s Office submitted a letter opposing Little’s parole.

IV. DECISION

Jon Little pursued a violent lifestyle that culminated in a murder and arson. The restrictive environment of prison has restrained the violence he displayed in the community. He has not, however, committed to rehabilitation. He has ceased program participation and has not prepared himself to live outside prison without substance abuse or violent conduct. Mental illness complicates the situation. He showed minimal insight into this set of rehabilitative issues.

The standard we apply in assessing candidates 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 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, it is the unanimous opinion of the Board that Mr. Little does not merit parole because he is not rehabilitated. The period of review will be five years, during which time Mr. Little should maintain sobriety and renew an active commitment to counseling and rehabilitation to address issues of anger, violence, and substance abuse. He also needs to develop support in the community and develop a parole plan that would address and support his needs.

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 Noble, General Counsel

3/3/19
Date