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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

RICHARD CROTTY

W45497

TYPE OF HEARING: **REVIEW HEARING**

DATE OF HEARING: **October 10, 2013**

DATE OF DECISION: **February 7, 2014**

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 three years from the date of the hearing.

I. STATEMENT OF THE CASE

Richard Crotty appeared before the Massachusetts Parole Board on October 10, 2013 for the third time, having been denied parole in 2003 and 2008. On November 7, 1988, Crotty pleaded guilty to second degree murder for the shooting death of 35-year-old Gary Landry. He received a sentence of life imprisonment with the possibility of parole.

On Tuesday, October 20, 1987, Landry's co-worker and friend contacted Landry's neighbor, asking him to check on Landry because he failed to report to work the previous day. The neighbor found Landry's body lying on the basement floor lying face down in a pool of blood, and called the police. The cause of death was determined to be a .25 caliber gunshot wound to the back of Landry's head.

Richard Crotty, age 30, had borrowed a substantial amount of money to finance a fledgling home construction business. Crotty started this business to supplement his pay as a Special Police Officer for Swampscott, where he would perform irregular police detail work.

Landry was one of the lenders, Crotty owed him approximately \$40,000 and payment was overdue. Crotty murdered Landry to avoid repayment. Crotty borrowed the .25 caliber handgun from a business associate, used it to kill Landry, and returned the firearm without informing the gun owner that he used it to kill Landry. Later, Crotty attended Landry's funeral and feigned innocence before the evidence pointed towards him. He was out on bail for approximately one year before he agreed to plead guilty to second degree murder.

II. INSTITUTIONAL CONDUCT & PRIOR PAROLE HEARINGS

Crotty has incurred four disciplinary reports in 25 years of incarceration, and has worked steadily and receives excellent housing and work evaluations. Of the four disciplinary reports he received, three were for disobeying an order and one was for being out of place. His last disciplinary report was in 1999. In denying parole to Crotty in 2003, the Board noted the deliberate nature of his crime and his callous behavior in attending the victim's funeral. In denying him parole in 2008, the Board raised concerns that Crotty had very little programming, despite having a strong employment record and minimal disciplinary issues.

In its 2008 decision, the Board expressed its "serious concerns with the fact that Crotty still fails to accept full responsibility for his crime." The Board, taking note that his version of the events "differs from the official version," denied parole to Crotty due "to his lack of programming involvement, as well as his lack of insight into why he committed this crime," two factors that Crotty was advised "must be addressed before his release could be compatible with the welfare of society."

Despite the Board's admonitions, since his 2008 parole hearing, Crotty has no rehabilitative program participation. He completed only a computer skills program in 2011 and a health program in 2012. He is not currently involved in programming.

III. PAROLE HEARING ON OCTOBER 10, 2013

Richard Crotty, now age 56, appeared for his third parole hearing on his life sentence, having served 25 years. Crotty recounted his early life and his start-up of a home building business in approximately 1985. Crotty explained that he and his associate were unable to finance the business.

Crotty said he was previously denied parole because the Board said he has not accepted responsibility. Crotty chose to challenge this notion, stating that he has accepted responsibility, that he has done all available programs, and that he recently completed Heart Health and computer programs about a year ago. Crotty said he tried to get into the Correctional Recovery Academy (CRA) program twice in the past and was denied both times, the last being in 2002. Crotty claimed he does not know what kind of program he could do to address why he committed the offense, and seemed to suggest that there is nothing more he can do to further rehabilitate. Crotty mentioned that he met with a psychiatrist while he was out on bail, and was told that there was nothing wrong with him.

Crotty also mentioned that the previous Board raised concerns that he minimized the offense. Crotty flatly denied this characterization, stating that he believes the previous Board held him to a higher standard because he was an auxiliary police officer. Later in the hearing, however, Crotty confessed that he chose work over violence reduction programming because he lives off his pay from work, so as to not be a burden to his family anymore.

Crotty continues to offer a version of the offenses that is in conflict with the evidence and common sense. Crotty contended that Landry offered 10 percent interest on money to finance the home building business. During the second month after the loan transaction, Crotty contends Landry demanded 50 percent interest. Crotty refused and decided to return Landry's money. Crotty met Landry at his home with a briefcase filled with the money. According to Crotty, he brought his associate's gun to protect the money. Crotty borrowed the gun even though he had two guns of his own. While inside Landry's home, Crotty contends that he saw Landry furtively reach into his pocket, and he shot him. Yet, Crotty failed to explain why he shot Landry in the back of the head, in an apparent execution style. Crotty also left unexplained why he returned the gun to his associate without informing him that he had used it to shoot someone, and why he went to Landry's funeral and offered his sympathies, knowing full well that he had killed Landry. These actions reveal a consciousness of guilt that is inconsistent with Crotty's suggestion that he acted out of fear or in self-defense.

Crotty said he filed a motion for a new trial while serving his sentence because a previous Board had been told that he killed Landry to take Landry's money, and the Board had used the allegation to support its decision to deny him parole. He claims the allegation was false and that he filed the motion in order to obtain a transcript to prove so; he however did not offer any explanation as to why he never returned Landry's money.

Crotty had five supporters speak in support, including family and friends. All spoke highly of his character and work ethic. There were four in opposition to his parole, including family, friends, and Elin Graydon, an assistant district attorney from the Essex County District Attorney's Office. ADA Graydon informed the Board that Crotty pleaded guilty only after he lost a motion to suppress evidence, and that he filed a motion to vacate his conviction 23 years later, in July 2011, claiming his attorney rendered ineffective assistance and coerced him to plea, and that the judge failed to perform a proper plea colloquy. According to ADA Graydon, the lawyer that represented Crotty at the time of his guilty plea was "the preeminent criminal defense lawyer in Essex County."

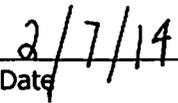
IV. DECISION

Richard Crotty, while a police officer and building contractor, killed a man to whom he was deeply indebted. Crotty attempted to cover his actions by lying and callously attended the victim's funeral and offered his sympathies. Throughout his incarceration, Crotty chose to work rather than to participate in rehabilitative programs. Crotty has ignored previous Parole Board decisions that have encouraged him to address the devious and calculating behavior that led to his current imprisonment. Crotty is stubbornly resistant to admitting his guilt and engaging in rehabilitation. He gives the impression that he has insufficient remorse and no interest in reform.

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. Crotty does not merit parole at this time. The review will be in three years during which time Mr. Crotty should use programs to address issues of honesty, victim empathy, criminal thinking, and resolving conflict without violence.

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.


Caitlin E. Casey, Chief of Staff


Date