



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

WILLIAM KHOURY

W29946

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: January 8, 2013

DATE OF DECISION: February 7, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, 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, institutional record, the views of the public as expressed at the hearing, both in support and opposition, 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 four years.

I. STATEMENT OF THE CASE

On December 20, 1963, William Khoury murdered his eighteen year old fiancée, Christine DiNitto, in the living room of her home in Somerville. He strangled her and stabbed her in the chest nine times. One of the stab wounds penetrated her heart.

Mr. Khoury pleaded guilty to second degree murder on September 9, 1964, and was sentenced to serve life in prison. He filed a motion to withdraw his guilty plea in 1966, which was denied in 1967, and a motion for a new trial in 1992, which was denied in 1997. His motion for reconsideration was also denied. The Massachusetts Appeals Court upheld the denial of the motion and affirmed the conviction. *Commonwealth v. Khoury*, 45 Mass. App. Ct. 1110 (1998).

Prior to the murder, Mr. Khoury and Miss DiNitto had been involved in a long-term romantic relationship and had planned to marry. The relationship deteriorated, though, and the two began to argue about the timing of the wedding. The night before the murder, Mr. Khoury did not know where Miss DiNitto was, and contacted a number of her relatives in an attempt to

locate her. He was angry and jealous that he could not reach her, and went to her home the next evening.

When he arrived, Miss DiNitto permitted him to enter and Mr. Khoury began to question her concerning her whereabouts the night before. Miss DiNitto told him that he knew where she had been and that she did not appreciate his attempts to chase her down and spy on her. The argument escalated and, he claimed, she began to strike him with a handbag. Mr. Khoury then took a kitchen knife and stabbed her multiple times, leaving her body under a Christmas tree.

According to her family and friends, Miss DiNitto was planning to break off her engagement to Mr. Khoury.

II. PAROLE HISTORY

Mr. Khoury has been granted parole three times. He was first paroled in 1979 and remained under parole supervision for twelve months before being revoked based on charges that he threatened his girlfriend. He was paroled again in 1981.

In 1982, he was returned to custody after having been charged with breaking and entering and burning of a dwelling after he had broken into a neighbor's home, stole several items, and set the house on fire to divert attention. He ultimately pleaded guilty to these charges and was sentenced to serve two concurrent five to seven year prison terms.

He was next granted parole in 2009, and remained under supervision until August of 2012. He was paroled to the Wyman Re-Entry Program, transitioned to the Gavin House and, upon graduation from that establishment, moved into the Wise Street Substance Free Transitional House. In 2012, Mr. Khoury began a relationship with a woman who will be referred to as Shirley Doe. Shirley Doe has an extensive criminal record with numerous acts of violence. In addition, she has had eight restraining orders issued against her. Mr. Khoury's relationship with Shirley Doe violated his parole condition prohibiting association with persons with a criminal record. Upon learning of the relationship, Mr. Khoury's parole officer took immediate corrective action to prevent this relationship from jeopardizing Mr. Khoury's parole. For violating the association condition, Mr. Khoury was given a Final Warning and a specific parole condition prohibiting contact with Shirley Doe.

Mr. Khoury did not abide by the added parole condition. He was returned to custody in August 2012 for associating with Shirley Doe, lying to his Parole Officer about the association, and failing to report owning a second cell phone.

III. INSTITUTIONAL CONDUCT

Mr. Khoury has served a total of 43 years in prison. Since his commitment, he has accrued a total of 22 disciplinary reports, the last of which was in 2006 for insolent behavior and failing to keep his person and cell in accordance with prison rules. His other disciplinary reports include allegations of fighting, refusing to work, refusing to follow orders, possession of contraband, lying, and abusive language. Mr. Khoury admits to having abused marijuana while

in custody, but claims that he has not used the substance since 1988. He has been returned to higher custody nine times.

Mr. Khoury has completed a number of programs while incarcerated, including: Correctional Recovery Academy (1998); Domestic Violence Reduction Program (1999); Narcotics Anonymous (2000 and 2001); Public Safety Transition Program (2000); Phase II Growing Together (2001); Growing Together – Jericho Circle (2002); Spanish AA and NA (2002 and 2003); and Emmeus Correspondence School Courses (2003-2004). He also completed his GED while in prison. Presently, Mr. Khoury participates in AA/NA meetings when they are available, but is not participating in any other formal programming. He has worked as a Unit Runner in the past and is on the wait list for a job at his current institution.

IV. PAROLE HEARING ON JANUARY 8, 2013

Mr. Khoury appeared before the Board for his eleventh parole hearing. At the hearing, he apologized for his actions in murdering Miss DiNitto. He informed the Board that he is a good candidate for parole because he has maintained his sobriety, was a positive group participant, and had been living in society since 2010 without incident.

The Board questioned Mr. Khoury extensively about the events leading up to his most recent parole violation and return to custody. Mr. Khoury told the Board that he had been involved in a romantic relationship with a woman, Shirley. He claimed that he was unaware of Shirley's criminal history until May of 2012 when he disclosed the relationship (which had been going on for months) to his Parole Officer. As a result of the disclosure, his Parole Officer added as a condition of parole that he was not to see Shirley anymore. Despite this condition, one month later, Mr. Khoury was questioned by police while he was with Shirley (he was ultimately released and no arrest was made). While the police report clearly indicated that Shirley was in the car with Mr. Khoury, he told his Parole Officer that she was not. At the hearing, Mr. Khoury maintained that his being seen with her in his car was a coincidence and that the discrepancies between the police report and what he told his Parole Officer were misunderstandings. The Board considered his version of this event implausible and expressed concern about Mr. Khoury's lack of candor with both his Parole Officer at the time of the incident and the Board at the hearing.

The Board was further concerned that Mr. Khoury's past includes a number of incidents involving negative treatment of women. In addition to the murder of his fiancée, Mr. Khoury was returned to custody in 1979 after his first parole because he threatened a girlfriend during a breakup. Mr. Khoury claimed that he "wanted the last word" and justified his actions by explaining that he was using heroin at the time. Similarly, in 1988, he received a disciplinary report for making inappropriate sexual advances toward a female staff member. In 2011, while on parole and working at a shelter, he made inappropriate advances toward a nurse who also worked at the shelter. Mr. Khoury told the Board that he had a rapport with her, was "anxious" for female companionship, and perceived her as flirting with him. Mr. Khoury admitted that he had anger and jealousy issues, but that he had worked to overcome them. Overall, the Board found Mr. Khoury's explanations for these incidents disingenuous, and lacking in any acceptance of personal accountability.

Finally, while acknowledging that Mr. Khoury had done well in transitioning through the Wyman Re-Entry Program and the Gavin House, the Board was vexed that each time Mr. Khoury has been granted parole, he has violated the conditions of his release. Mr. Khoury accepted responsibility for his behavior leading up to his first two returns to custody, but blamed his actions on his rampant addiction to heroin. He maintained, however, that his most return was the result of a misunderstanding, and left the Board with the impression that he did not take the violations as serious as they were.

V. DECISION

Mr. Khoury has been given three opportunities to live in society as a parolee and has squandered each of those opportunities. He has committed offenses while on parole and has failed to comply with the terms and conditions of his release. Moreover, Mr. Khoury has proven that he is unable to maintain appropriate and positive relationships with women, that he exhibits jealousy and anger toward them, and that he inappropriately misconstrues common courtesy for romantic interest. Finally, his lack of candor to the Board about the circumstances under which he was most recently returned to custody is exceptionally troublesome. Mr. Khoury's repeated behavior while on parole is evidence that he is unable to conform to the rules and regulations of society and that he is not rehabilitated. He would be likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, parole is denied.

Mr. Khoury is encouraged to take inventory of his personal behaviors and decision making, as well as his ability to be candid about, and take responsibility for, his actions. He is further encouraged to participate in programming that will help him develop better communication skills and foster positive relationships, which will assist in his reintegration back into society.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.



Josh Wall, Chairman



Date