



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

RANDY WILLIAMS

W67326

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 3, 2012

DATE OF DECISION: May 13, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, 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

On March 25-26, 1997, Randy Williams, Nichole Fernandes and Mark McCray, went to the Night Center, a shelter for the homeless in Boston searching for Helena Gardner, age 19. They were upset with her and wanted to confront her about some remarks she had made about them. While at the shelter, the three convinced Helena to accompany them to an abandoned trailer in Cambridge.

When all four were inside the trailer, Helena was bound and gagged. Nichole Fernandes eventually removed the gag to interrogate Helena. During the interrogation, Fernandes would strike Helena with a metal rod each time she answered a question to Fernandes' disliking. Randy Williams also brutally beat the victim during the interrogation. He would later describe to police that when he struck Helena, he "Hit her as if she were a man!" During the assault Nichole Fernandes took hold of Helena's jaw and shoved it back into place. She used the thorns from a rose stem to rip open Helena's face. Fernandes also lit the victim's hair on fire

and doused the flames by whacking her head with the thorny rose stems. Fernandes stabbed Helena repeatedly with a small pair of scissors before finally leaving them imbedded in the back of her neck. Helena fell backwards in the chair to which she was bound and Fernandes told McCray to urinate in the victim's mouth while she struggled to stay alive.

After the prolonged torture of Helena Gardner, McCray handed Fernandes a sledge hammer. Fernandes put a blanket over Helena's face and proceeded to repeatedly strike her on the head with the hammer, crushing her skull. All three defendants sat in the trailer and watched the last signs of life disappear from Helena. Fernandes lifted the blanket to show the remains of Helena Gardner's head to the group and stated, "I hope they're not serving spaghetti tonight (at the shelter)!" Fernandes set the trailer on fire to destroy any evidence. After doing this, the three walked to Boston to steal cars in an effort to create an alibi.

Ms. Gardner was tortured, beaten and burned beyond recognition. Her injuries were described by medical experts as follows: Three separate blows were observed to the facial region, one of which fractured the teeth that were aspirated into the stomach. A deep hemorrhage was observed at autopsy at the back of the neck which is consistent with cuticle scissors. A deep hemorrhage was also observed in the musculature of the right forearm which is consistent with a defensive wound injury. The pattern of injuries displayed at autopsy and during postmortem examination of the bone suggests deliberate and repeated application of blunt force and at least one sharp force injury.

Mr. Williams appeared in court on November 10, 1999 as his trial was scheduled to begin. He pled guilty to second degree murder, kidnapping and assault and battery with a dangerous weapon. Mr. Williams received life with parole eligibility for the second degree murder and 7-8 years for the remaining two charges to run concurrently with the life sentence.

II. INSTITUTIONAL ADJUSTMENT

Mr. Williams was 23 years old at the time of the offense. He is currently 38 years old and serving his first state incarceration but fourth adult incarceration. Throughout his incarceration Mr. Williams has received eleven disciplinary reports. Mr. Williams has several placements in segregation and one return to higher custody.

Mr. Williams is currently incarcerated at MCI – Norfolk and has engaged in very limited programming. He has completed four Spectrum programs: Cognitive Skills, Introduction to Treatment, 12-Step Fellowship, and Relapse Prevention. Mr. Williams reports he is currently enrolled in GED classes and a Native American religious group. The last grade he completed was the sixth grade.

At the time of his arrest, Mr. Williams was unemployed and reports his employment history as sporadic. During his incarceration, he has held various jobs including in clothing, maintenance, supply, industries, kitchen, print shop, storekeeper assistant and a visiting room runner. He is currently unemployed as he lost his position following a fight with another inmate.

Mr. Williams stated that he does not have any substance abuse issues; however he drank alcohol and smoked marijuana occasionally. He admitted that while dating Nichole Fernandes he began smoking marijuana almost every day with her, but states he did so only

because she was smoking. He admitted to being under the influence during the governing offense.

He reports no mental health issues.

III. PAROLE HEARING ON APRIL 3, 2012

This is Mr. Williams' first appearance before the Parole Board. The hearing commenced with Mr. Williams making an opening statement. He offered no apology to the victim's family. When questioned regarding his lack of empathy, he stated that "I didn't feel it is good enough to say sorry."

He was asked to describe the events of March 1997. Mr. Williams stated that he did not really know the victim, Helena Gardner, and denied having any issues with her. Mr. Williams said on the day of the murder he, Nicole Fernandes, Mark McCray and Helena Gardner went to a trailer in Boston commonly used by the homeless "to hang out." McCray brought alcohol; they were drinking and smoking marijuana. Mr. Williams described himself as "I was sitting listening to my CD Walkman and next thing I know Helena and Nichole start arguing." He removed his headphones and remembered hearing Nichole saying to Helena "you told on me, I know you told on me." He felt the argument or disagreement was "no big deal." He then described that as he was listening to his CD Walkman, Fernandes picked up a hammer and hit the victim with it. He described to the Board that when he saw Fernandes strike the victim he got up from the chair and said to her "What are you doing? Are you crazy or something?" He decided to walk out of the trailer and remembered Fernandes said "I'm going to finish this bitch," and she placed a blanket over the victim and continued hitting her with the hammer. Mr. Williams stated he went outside in shock over what had transpired. One minute later McCray and Fernandes came out of the trailer and said, "Let's get out of here." They lit the trailer on fire. He denied participating in the beating of Ms. Gardner and setting the trailer on fire.

The Board informed Mr. Williams that he gave a statement to the police in which he admitted hitting Helena Gardner and made statements like "I hit her like a man and broke her jaw." He said he does not remember saying that to the police. Throughout the hearing Mr. Williams contested the length of time it took to commit the crime and stated the timeline is off. Board Members noted that the crime was a torturous murder and that forensic evidence confirms the victim had significant injuries; the assault was substantial and occurred over a long period of time. When the Board noted that the victim was tied up, he denied it. The Board informed him that the autopsy report documented that frayed copper wire was wrapped twice around the victim's right wrist, which was also admitted by Ms. Fernandes in her statement. Mr. Williams said, "I wish I didn't plead out."

The Board advised Mr. Williams that he might want to reconsider his testimony because witness and co-defendant statements implicate him in the murder and describe his active participation. He is convicted of second degree murder, and the Supreme Judicial Court decisions describe the facts of his participation. Mr. Williams was questioned by the Board about specific statements he made to witnesses about his involvement and he expressed that he does not remember anything except his statements to the State Police.

Board Members asked Mr. Williams about his poor program participation, for which he said he only did four programs because others were not available to him. A Board Member told him that "you are at the facility with the most programs; you are not in programs because you don't want to be." The Board Member also noted that Mr. Williams three times has refused to cooperate in completing the risk needs assessment instrument used by the Department of Correction.

The Board expressed concern with the serious nature of Mr. Williams' disciplinary reports, two of which involved serious assaults on other inmates. He stated that he was merely defending himself as in the prison environment he could not let someone disrespect him. Mr. Williams has received no visitors in the last 15 years.

Middlesex Assistant District Attorney Kevin Curtin appeared in opposition of parole. Mr. Curtin described co-defendant Mark McCray's statement that placed all the participants in the trailer, with the door locked, for the murder. He also noted that the scissors used to attack the victim belonged to Randy Williams. During Mr. Curtin's testimony, Mr. Williams stood up and tried to leave the room, calling out "Get me out of here, I want to leave." Mr. Williams was restrained and not permitted to leave. He did admit that the scissors used in the attack belonged to him.

Mr. Williams had no supporters of parole in attendance.

In closing, Mr. Williams recognized he was not well prepared for the hearing and felt he did not handle himself appropriately. He acknowledged there are facts in the case that he disagrees with; however he pled guilty because he felt guilty about "being there and participating and allowing this to go on, stealing the car and helping them get away, and the opportunity to walk out of prison and put the murder of an innocent girl behind me."

IV. DECISION

Randy Williams participated in a brutal murder and now denies that he had any involvement. This fact by itself establishes lack of rehabilitation. In addition, he has little program participation and at this hearing showed no insight concerning his criminal thinking and criminal conduct.

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, the Board finds that Mr. Williams is not a suitable candidate for parole.

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 C. Casey
Caitlin E. Casey, Chief of Staff

5/15/13
Date