



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

WILLIAM DUCLOS

W48807

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 6, 2014

DATE OF DECISION: September 30, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Tina Hurley, and Josh Wall. Ina Howard-Hogan was recused.

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the inmate's testimony at the hearing, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a 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 THE CASE

On July 26, 1990, William Duclos pleaded guilty in Worcester Superior Court to two counts of second degree murder for killing his parents, Emile Duclos, age 52, and Anna Duclos, age 51. Duclos was sentenced to two concurrent life sentences. His co-defendant, John Smith, was released on May 12, 2000 after serving an 18-20 year sentence for manslaughter.¹

The following summary of facts is derived from *Commonwealth v. John Smith*, 412 Mass. 823 (1992), and other documents including classification reports, police reports and prior parole board decisions.

¹ John Smith was initially convicted of first degree murder, but had his conviction reversed on appeal based on a violation of that defendant's *Miranda* rights on state constitutional grounds. *Commonwealth v. John Smith*, 412 Mass. 823 (1992).

Anna Duclos and Emile Duclos lived in Winchendon with their 19-year-old son, William Duclos, who left high school after the eleventh grade and started a business on the family property raising pigs and rabbits for sale. He frequently employed John Smith to do carpentry work and various odd jobs. Smith was 18 years of age and, like Duclos, had left high school before graduating.

Duclos had not been on friendly terms with his mother for several years, and relations between John Smith and Duclos' mother were also poor. Several weeks before the killings, a dispute arose between Duclos and his mother regarding the proceeds of an insurance policy, and relations between them consequently worsened.

On the morning of May 22, 1989, Duclos, age 22, and John Smith agreed on a plan to kill Duclos' parents and to make it look like a robbery. Later that night, Duclos and Smith shot and killed Duclos' parents in their bedroom. They used two rifles that Duclos had taken from the gun cabinet in his parents' home. Both Anna and Emile died from multiple gunshot wounds.

After the killing, Duclos conspired with Smith to dispose of the rifles at a local pond and to fabricate an alibi. After failing to convince the police of his story, Duclos confessed to the crime, and later agreed to plead guilty to second degree murder and testify against Smith in Smith's first degree murder trial.

Between April and May 1992, while incarcerated at MCI-Norfolk, Duclos solicited an undercover state trooper to murder Smith and make it appear as a suicide. On May 20, 1992, Duclos was indicted by a Norfolk County Grand Jury for conspiracy to commit murder. On June 22, 1994, Duclos pleaded guilty to the charge in Norfolk Superior Court, and was sentenced to serve one year to one year and a day from-and-after his life sentences.

As part of the conspiracy to murder scheme, Duclos had created three suicide notes in Smith's name. In one note, addressed to Smith's mother, Duclos has Smith admitting to being solely responsible for the murders due to being sexually assaulted by Duclos' father. In another note addressed to Duclos, Duclos has Smith apologizing for "spiking" Duclos' beer with an undisclosed substance prior to the murder, and claiming that he could not live with what Duclos' father did to him. In the third note addressed to "To Whom It May Concern," Duclos had Smith proclaiming that he (Smith) killed Duclos' parents, that Duclos did not know what happened because Smith had put something in Duclos' drink, and suggested that Smith killed Duclos' parents because Duclos' father had sexually assaulted Smith in a barn.

In May 2001, after Smith had already been released and eleven years after pleading guilty, Duclos moved to withdraw his second degree murder guilty pleas, claiming ineffective assistance of counsel. The trial court denied the motion, the Appeals Court affirmed the denial, *Commonwealth v. Duclos*, 61 Mass. App. Ct. 1115 (2004), and the Supreme judicial Court denied further appellate review, *Commonwealth v. Duclos*, 442 Mass. 1107 (2204).

II. CRIMINAL & INSTITUTIONAL HISTORY

William Duclos had only one criminal case before the murders. In 1987, he was charged in Gardner District Court with operating to endanger and as a minor transporting alcohol. Both charges were dismissed on September 9, 1987. While incarcerated on his life sentences, Duclos was convicted of conspiracy to commit murder on June 22, 1994 in Norfolk Superior Court for the plan to murder his co-defendant.

Throughout his incarceration, Duclos has incurred a total of six disciplinary reports. Duclos also had one Disciplinary Detention Unit (DDU) placement for 36 months while at MCI-Norfolk following his May 1992 indictment for conspiracy to commit murder. Duclos had another concerning disciplinary report in May 1992, just before his indictment, for possession of a shank that was hidden in his locker while he was being held at MCI-Norfolk. He has not received a disciplinary report since his 2009 hearing before the Parole Board.

Duclos currently participates in the Emotional Awareness program, attends church services, works as a camp chairman, and receives average housing unit evaluations. He obtained his GED and completed several rehabilitative, educational, and job skills programs such as Correctional Recovery Academy, Alternatives to Violence, Health Awareness, Computer Courses, Introduction to Legal Research, and Welding.

Much of Duclos' programming began after he was denied parole in 2009. Since then, he has acted as a facilitator to the Alternatives to Violence program after completing that program himself in August 2009, completed the Jericho Circle Project in June 2012, and in May 2013 acquired a Bachelor of Liberal Studies degree from Boston University's Metropolitan College.

III. PAROLE HEARING ON MAY 6, 2014

William Duclos, age 44, appeared before the Massachusetts Parole Board for the third time on May 6, 2014. He was denied parole in 2004 and 2009, and a five-year period was set for further review on each occasion. In denying parole on both occasions, the Board noted that Duclos had taken little responsibility for the murders of his parents and the conspiracy to murder his codefendant.

In his opening statement, Duclos said he took full responsibility for his crimes, and that the pain he has caused his brother and family will remain with him for the rest of his life. He claims he now realizes that his "corrupt thinking" began years before his "malicious destruction" of his parents. He said:

Long before their murders, I had adopted a mentality of self-gratification—total disregard for anyone who didn't provide me with what I desired at that moment in time. I had grandiose self-entitlement. This perverse and destructive mentality prevented me from feeling empathy for anyone or anything.

I have not claimed a psychological defect. This was a personality dysfunction. I failed to recognize that the world did not exist to satisfy me. This failure cost my family and society immeasurably.

I am responsible for my thinking and actions. The cost of my arrogance is insurmountable. It was this same arrogance and distorted thinking that led me to plan the death of Mr. Smith. I had come to believe he was the cause of my parents' death—not for the sake of their murder, but rather for my own predicament.

The concept of self-responsibility was alien to me. I was and now am responsible for the murder of my mother and father, and the attempted murder of Mr. Smith.

Duclos said he engaged in "very little programming" prior to his first parole hearing in 2004. He said he was just trying to do his time. Following his 2009 hearing, Duclos engaged in rehabilitative programming. He said "new lights come on" as he engages in programs. He began the Emotional Awareness program six weeks prior to this hearing, and finds it to be beneficial.

Duclos said he received his GED and a bachelor's degree from Boston University. He said his education and programming has taught him that his old way of thinking was flawed, and how to be a better person. He said his spiritual life is also very important and that he stays in contact with churches and attends church services on Friday nights and sometimes on Sunday mornings. He also engages in "self-therapy" by reading his Bible and making journal entries about how he's feeling.

Duclos said he was put in segregation soon after he came to prison, for attempting to have Smith murdered. Prior to pleading guilty to the murders, he and Smith were held at Worcester County House of Correction awaiting trial. This created a "hostile environment" because Smith believed Duclos was to testify for the prosecution in Smith's trial. According to Duclos, a couple of inmates approached him on behalf of Smith, requesting that he write a statement exonerating Smith. He ended up being placed in protective custody for his safety.

After his conviction, Duclos was sent to MCI-Norfolk. Smith arrived there shortly thereafter, but they were kept separate and did not directly interact or speak to each other. According to Duclos, Smith approached him with a couple other inmates and requested a written statement exonerating Smith of the murders. He did not write the statement, but the encounter sparked in him an idea to get out of prison.

Duclos said he came up with the idea to orchestrate Smith's death by suicide from watching a talk show about someone getting out of prison because the co-defendant felt guilty and took responsibility for it in a suicide note. Duclos said there was an earlier plan to kill Smith while he was being held at MCI-Norfolk. The plan changed to include hiring a hit man, using another inmate as intermediary, after Smith was moved to another facility.

Duclos said it did trouble him that he was re-victimizing his parents by writing suicide notes suggesting that Smith killed his father for molesting Smith. He said he went ahead with the plan anyway because he wanted to get out of prison, and that was all that mattered. Part of his plan for getting out of prison involved setting up a foundation for sexually abused children called the Duclos Family Memorial Foundation, to add legitimacy to his false claim that he was sexually abused by his parents. He said the plan "never materialized." According to

Duclos, he further revealed that he had deceived *The Maury Povich Show* into scheduling to interview him concerning his false claims, and that his plan was frustrated after his arrest for conspiring to murder Smith.

Duclos admitted that he deceived and exploited his grandmother, who was very close to him, to carry out his murderous scheme. He said he knew she had some money put away for him and her, and he told her he had an investment plan to make the money grow. Duclos said his grandmother trusted and believed in him, and that he violated her trust because his real intent was to pay the "hit man" to kill Smith.

Duclos said he became aware of Smith's successful appeal while he was awaiting trial for conspiracy to murder Smith. He was aware that Smith "got off" on a *Miranda* technicality, and he therefore decided to try the same thing by seeking to invalidate his conviction on *Miranda* and ineffective assistance of counsel grounds. He said he now believes his sentence was fair.

Duclos said he had a strict upbringing. He sought and desired a relationship with his mother, and felt rejected. He dropped out of school with a plan to build up the family farm. He had met Smith at a vocational school, and had known Smith for about three years at that the time of the murders. Duclos said it was his idea to kill his parents, and that the desire came from a buildup of feelings over the years. He said the plan after he killed his parents was to have Smith move into his parents' house and work with him to build up the farm. He said that even though he equipped both Smith and himself with rifles to carry out the murders, Duclos maintained that Smith actually did the shootings using both rifles because he "froze" at the time.

Duclos said he is aware that his brother, who previously supported him, was opposed to his parole. He said the reason for the change was a conflict with his brother over his grandmother's estate. He became aware that his grandmother left a will bequeathing money to him, and asked his brother to write a letter to the Parole Board indicating that there was money available to him for support upon his release from prison. He said his brother refused to write a letter stating how much was available to him. After he saw the will and how much he was supposed to get, Duclos confronted his brother and expressed disapproval over how his brother "handled" things. This eventually led him to obtain an attorney to challenge his brother's management of the estate.

The only person who appeared and spoke in support of Duclos was a former inmate who had served time with him at MCI-Norfolk. He said he attended the Boston University Duclos educational program with Duclos, that Duclos was charitable in helping out other inmates, and that Duclos struck him as "genuine."

Two people spoke in opposition to Duclos' parole: his brother, Joseph, and Worcester Assistant District Attorney Michelle King. Both also submitted letters in opposition. Joseph Duclos apologized to the Board for supporting Duclos in the past. He said certain things had been kept from him over the years for the sole purpose of getting him to testify on Duclos' behalf, and that after their grandmother died in July of 2009, he discovered a lot of information that was previously unknown to him.

Joseph said after their grandmother died, he kept a box of her paperwork, which he had not inspected at the time. He looked through the box at his lawyer's urging after Duclos brought a lawsuit against him, and discovered that Duclos was "cold" and "calculating."

Joseph said, among other things, that Duclos cheated their grandmother out of \$15,000 under the guise that it was supposed to be for an investment, when in actuality it was part of his "murder-for-hire scheme." He also said Duclos cut off all contact with him in mid-2013, and it remained so even after he sent Duclos money in December 2013. The only contact he received since then was an "Order to Render" from Duclos' lawyer concerning their grandmother's estate.

Joseph mentioned that in 2012 Duclos drafted a parole recommendation letter and sent it to him to sign. Joseph said he refused to sign the letter because it was full of false information. In sum, Joseph is of the opinion that Duclos has been on "the same path" since he killed their parents in 1989 "and refuses to leave it, no matter the trouble it causes him or anyone else." He therefore "strongly oppose[s] parole," and will provide no assistance, support, or contact if [Duclos] is released."

ADA Michelle King also indicated that she "strongly opposed" Duclos' parole, and in doing so, mentioned that Duclos had previously garnered support from his grandmother and a local church by leading them to believe that he had been sexually molested by his parents.

In addressing the Board in closing, Duclos said, "I made a lot of bad decisions. I hurt a lot of people. Listening to my brother now, an apology is not enough. I've dug myself such a big hole in this life and there's nothing I can do to fix that hole."

IV. DECISION

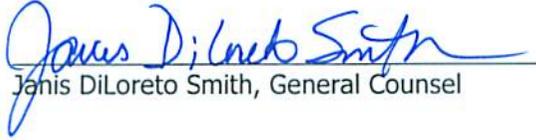
Despite having spent 25 years in prison, having completed some rehabilitative and educational programs, and being without any disciplinary incidents since 2009, William Duclos continues to exhibit the same selfish, manipulative, and entitled behavior that apparently existed at the time he set out to murder his parents. He attempted to free himself from prison by both manipulating those closest to him and attempting to murder and pin the blame for his crimes solely on his co-defendant. The murders and the attempted murder mark Duclos as a very dangerous person who requires considerable rehabilitation.

As demonstrated by his presentation at the hearing and his recent conduct with his brother, Duclos continues to exhibit the same mindset that led to the murder of his parents and the attempted murder of Smith. He is not rehabilitated.

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 William Duclos does not merit parole at this time because he is not rehabilitated. The review will be in five years from the date of this hearing, during which time Mr. Duclos should seek programming and counseling for violent behavior,

criminal thinking, antisocial behavior, issues of manipulation and control, distorted thinking, lack of candor, and lack of empathy.

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

9/30/14
Date