



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

GARY MOODY

W36673

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 12, 2019

DATE OF DECISION: December 16, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE¹

On July 20, 1978, in Norfolk Superior Court, Gary Moody was found guilty by a jury of rape, robbery, assault to murder, and assault and battery with a dangerous weapon. Mr. Moody was sentenced to life in prison with the possibility of parole for the rape conviction and 15 to 20 years for the robbery conviction. He was also sentenced to 9 to 10 years each for the assault to murder conviction and the assault and battery with a dangerous weapon conviction. All four sentences were ordered to run concurrently with one another.

On the night of October 14, 1977, an 18-year-old cognitively-delayed woman was introduced by an acquaintance to a group of individuals, including Mr. Moody and his co-defendants, at a lounge in downtown Boston. After an evening of playing pool and drinking, the

¹ Derived principally from *Commonwealth v. Whitehead*, 379 Mass. 640 (1980).

group left in a car and traveled to Franklin Park. On the way, Mr. Moody stated that he had won a bet while playing pool with the woman and was entitled to have sex with her. He, along with another individual, beat the woman before they reached the park. Once they arrived, Mr. Moody and another individual left the car with the victim. She was later observed to be crying, with her pants pulled down, as Mr. Moody urinated on her. The group then proceeded in the car to Columbia Point, where Mr. Moody repeatedly beat the victim and demanded money from her. He stripped off what remained of her clothes, forced her to perform oral sex on him, and raped her. Once at Columbia Point, Mr. Moody again raped the victim. Two other individuals sexually assaulted her, as well.

As the car departed Columbia Point, Mr. Moody continued to physically and sexually assault the victim while he demanded her money. During the car ride, the victim was pushed to the floor and held in that position by Mr. Moody and others. Eventually, the car ended up near Mt. Wollaston Cemetery in Quincy. Mr. Moody said, "I have to get rid of her" and, with the help of another individual, dragged the victim into the cemetery and behind the car. Mr. Moody beat the victim and slit her throat, using the victim's own pocket knife. Mr. Moody walked away, but then approached the victim again, kicking her numerous times before driving off and leaving her laying on the ground. Shortly thereafter, the victim stumbled to a nearby house and was transported to the hospital, where she remained for nearly a month and a half. As a result of the beatings and the stabbings, the victim suffered two black eyes, a broken nose, laceration of the throat (which pierced her esophagus and windpipe), and multiple bruises and lacerations about her face and head.

In 1985, a Superior Court judge allowed the Commonwealth's motion to dismiss Mr. Moody's appeal of his 1978 convictions. In October 2000, a judge denied Mr. Moody's motion for a new trial. In 2002, in a consolidated appeal of both of those decisions, the Court affirmed the dismissal of the appeal and denial of the motion. In 2007, a Superior Court judge dismissed his civil suit, rejecting his claims that the trial judge should have obtained a sexually dangerous person evaluation before sentencing. Also in 2007, the Appellate Division of the Superior Court denied the appeal of his sentences and ordered them to stand. In 2011, Mr. Moody withdrew his 2010 motion for a new trial.

II. PAROLE HEARING ON MARCH 12, 2019

Gary Moody, now 72-years old, appeared before the Parole Board for a review hearing on March 12, 2019. He was not represented by counsel. Mr. Moody was denied parole after his initial hearing in 1993, and after his review hearings in 1996, 1999, 2004, 2009, and 2014. In his opening statement to the Board, Mr. Moody expressed remorse for the crimes he committed. He recognized how his actions "shattered" the lives of the victim and her family, as well as his own family. Mr. Moody told the Board that he comes before them as a "changed man," one who has spent his incarceration engaged in programming to improve himself.

When Board Members asked him why he believed he had received a 5 year setback after his last hearing, Mr. Moody responded that he had not addressed all of his causative factors at that time. The Board agreed, but further noted that Mr. Moody had not given the Board the full story about the night of his crimes. At this hearing, Mr. Moody denied knowing that the victim was cognitively delayed when he met her. He claimed that on the night of the attack, he and the victim agreed to have sex, but that he had no intention of robbing or assaulting her. Mr. Moody

said that two other individuals had planned to rob the woman all along, and that he joined in after one of them took her money. Mr. Moody then admitted to raping and beating her, as well as leaving her for dead in the cemetery. Yet, he denied stabbing her, alleging (contrary to his statements from his 2014 hearing) that one of the other individuals stabbed her. When asked by the Board if the intent was to murder her, Mr. Moody replied, "It might have been." As to the discrepancies between his hearings concerning the facts of the offenses, Mr. Moody stated that his memory may be fading due to age.

Mr. Moody told the Board that he had a pattern of sexually assaulting women, whom he identified as prostitutes, in part, because he "figured that they didn't matter as much." When Board Members questioned Mr. Moody as to why he informed a judge in a 2002 letter that the victim was a prostitute (despite no evidence of her being one), he claimed that he did not remember writing the letter. When Board Members noted that it wasn't until 2004 that he first engaged in programming to address his sexually deviant behavior, Mr. Moody acknowledged that he did not think he needed sex offender treatment prior to 2004. Mr. Moody stated that he has been sober since 1986, and attends Alcoholics Anonymous daily. He told the Board that it took him a long time to address his causative factors because he "did not think [he] was as bad as he was." Despite not having contact with his family, Mr. Moody stated that he would like to reconnect with his son and continue treatment in a long-term residential program, if paroled.

The Board considered testimony and a letter from Mr. Moody's friends in support of parole. Norfolk County Assistant District Michael McGee testified and submitted a letter of opposition.

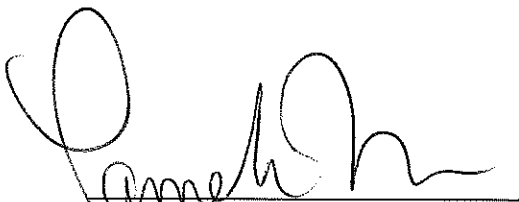
III. DECISION

Mr. Moody has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. He should continue to commit to address his causative factors. He continues to minimize his criminal culpability and his extensive history of violence against women.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Moody's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Moody's risk of recidivism. After applying this standard to the circumstances of Mr. Moody's case, the Board is of the opinion that Gary Moody is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Moody's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Moody to continue working towards his full rehabilitation.

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.


Pamela Murphy, General Counsel

12/16/2019
Date