

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

KHALIF MUHAMMAD
W43884

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: October 29, 2020
DATE OF DECISION: August 30, 2021

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

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, criminal record, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review in four years from the date of the hearing.²

I. STATEMENT OF THE CASE

On August 11, 1987, in Suffolk Superior Court, Khalif Muhammad pleaded guilty to second-degree murder in the death of 4-year-old Nialani Lee and was sentenced to life in prison with the possibility of parole. On that same date, a charge of rape of a child was filed without change of the plea.

On the evening of September 22, 1986, Khalif Muhammad’s girlfriend (and mother of Nialani) dropped off Nialani at 38-year-old Khalif Muhammad’s Boston apartment, so that she could go to work. Aside from a visit of a friend between 9:15 p.m.-11:15 p.m., Mr. Muhammad was alone with Nialani from approximately 7:30 p.m. until 4:45 a.m. on September 23, 1986. At that time, Mr. Muhammad called an ambulance because Nialani was having trouble

¹ Chair Gloriann Moroney was present for the hearing, but she recused herself from the vote in this matter. Board Member Karen McCarthy was present for the hearing, but she was no longer a Board Member at the time of vote.

² Three Board Members voted to deny parole with a review in four years from the date of the hearing and two Board Members voted to deny parole with a review in 5 years.

breathing. At the time Mr. Muhammad's friend had been present, Nialani was running around, apparently healthy and uninjured.

When emergency personnel responded to the apartment, they found Nialani lying face down on the bed with her nightgown up and her underpants half down. She had a crushed skull and various injuries, including ligature marks at the wrist and ankles. She also had vaginal damage and blood in the back of her throat. Upon arrival at the hospital, doctors indicated that there was no brain activity in Nialani. A sexual assault examination was performed, resulting in a positive indication for semen. Nialani succumbed to her injuries. After Mr. Muhammad was arrested, he gave a recorded interview during which he denied the offense.

II. PAROLE HEARING ON OCTOBER 29, 2020

Khalif Muhammad, now 73-years-old, appeared before the Parole Board on October 29, 2020, for an initial hearing. He was represented by student attorneys from the Harvard Prison Legal Assistance Program. Mr. Muhammad became eligible for parole in 2001, but he postponed his initial hearing until this date. The Board noted that Mr. Muhammad had a difficult childhood, rife with housing instability and exposure to family members with substance abuse and mental health issues. Mr. Muhammad explained that he began stealing groceries and electronics as a teen to support his family. He dropped out of high school before eleventh grade. Around that time, he got married and had three children over the next few years. He subsequently abandoned his family, just as his father had done. Although he did not want to be married, he stated that his guilt regarding this decision led to his use, and eventual addiction, to heroin in his twenties. Mr. Muhammad weaned himself off heroin by purchasing methadone on the black market. He married another woman in the early 1980's, with whom he shares his fourth child.

Mr. Muhammad met Nialani's mother while he was working as a youth counselor for the Cambridge Housing Authority. The two had a "short romance" and, although they would frequently stay at each other's apartments, they never moved in together. He explained that he and Nialani's mother would alternate childcare at each of their homes, as he worked during the day, and she worked at night. The Board noted that Mr. Muhammad had been babysitting the victim for several months leading up to the murder. Mr. Muhammad admitted that he was binge-drinking at the time, a habit he began after his mother passed away in 1986. He would frequently drink to intoxication (and even pass out), while babysitting Nialani. He claimed that no issues arose on those occasions, nor was Nialani's mother aware of the situation. Mr. Muhammad told the Board that, at the time of the murder, he was growing increasingly frustrated with Nialani's mother. He wanted to "start a new life" in Georgia with his brother and stated that his drinking, and related depression, was out of control.

On the night of the governing offense, Mr. Muhammad told the Board that he was babysitting Nialani, when his friend came over to watch football. Both he and his friend were drinking alcohol during the game, and he continued drinking after his friend left. Mr. Muhammad admitted that he was particularly frustrated that evening and had been taking his anger out on Nialani, by yelling and threatening her. He blacked out from drinking and, when he awoke, Nialani was lying beside him in his bed, not breathing. He attempted to revive her and called 911 when those attempts were unsuccessful. The Board asked if Mr. Muhammad could recall, as the police had described, the fact that Nialani's nightgown was pulled up and her underwear was partially pulled down. He stated that he did not remember her appearing that way.

The Board detailed the numerous injuries that Nialani had incurred, both physical and sexual in nature, but Mr. Muhammad claimed that he had no recollection of how, or why, he hurt her. He maintained that he did not sexually assault Nialani, as he had not felt any sexual attraction towards her. Although he could not explain her injuries, or what weapons he may have used to murder Nialani, Mr. Muhammad stated that he takes full responsibility for her death because he was the only person with her at the time. Board Members questioned Mr. Muhammad as to statements he made to police at the time of his arrest, most notably that he admitted to taking off his clothes and laying naked with Nialani in bed. Mr. Muhammad denied that he made such a statement to police. He explained that he was in a "foggy state" at the time of his police interview.

The Board commended Mr. Muhammad for his positive institutional adjustment, noting that he has incurred only five minor disciplinary reports and has been steadily employed throughout his incarceration. He explained that he has been determined to turn his life around and has participated in AA/NA since 1991, and he obtained a degree from Boston University in 1998. The Board questioned Mr. Muhammad as to program participation that addressed his causative factors, noting his apparent lack of understanding as to why he committed murder. He stated that he participated in Alternatives to Violence, Anger Management, and Growing Together in 2000, 2004, and 2005, respectively. Although Mr. Muhammad has engaged in therapy, Board Members encouraged him to pursue additional therapy to explore the underlying factors in his criminal conduct. Mr. Muhammad also participated in substance abuse programming in 2018 and 2020 to aid in his years of sobriety.

Mr. Muhammad explained that he is ashamed of what he has done and the pain he has caused others. His ideal parole plan includes a transition to a pre-release center or halfway house before moving in with his daughter. The Board noted that Mr. Muhammad continues to deal with health issues that would need to be closely monitored upon his release.

The Board considered testimony in support of parole from Mr. Muhammad's friends and family. The Board considered testimony and letters in opposition to parole from the victim's family members and friends.

III. DECISION

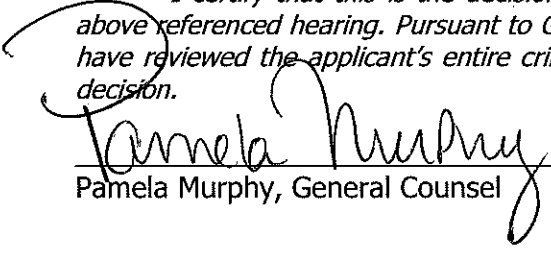
The Board is of the opinion that Khalif Muhammad has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Muhammad appeared before the Board for his initial hearing. He is 73-years-old and has served 34 years for the brutal murder of 4-year-old Nialani Lee in Boston. In response to this offense, he does not rule out the possibility that he sexually assaulted the victim. Based on the evidence, the Board encourages Mr. Muhammad to participate in SOTP (Sex Offender Treatment Program). Mr. Muhammad does not dispute that he is solely responsible for the crime. Although his adjustment has been positive to date, he has yet to engage in adequate rehabilitative programming.

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. Muhammad'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. Muhammad's risk of recidivism. After applying this standard to the circumstances

of Mr. Muhammad's case, the Board is of the opinion that Khalif Muhammad is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Muhammad's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Muhammad to continue working toward 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

8/30/2021
Date