

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: **Review Hearing**

DATE OF HEARING: **October 22, 2024**

DATE OF DECISION: **February 6, 2025**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted on/after 6 months in minimum security to approved home plan, but not before District Attorney clearance.¹

PROCEDURAL HISTORY: 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 a change of plea.

On October 29, 2020, Khalif Muhammad appeared before the Board for an initial hearing and was denied parole. At his review hearing on October 22, 2024, Mr. Muhammad was represented by Boston College law student attorneys Abigail Rosovsky, Elizabeth Manning, and Seungyeon Lee under the supervision of Atty. Frank Herrmann. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Muhammad's October 22, 2024, hearing.

STATEMENT OF THE CASE: 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

¹ Three Board Members voted to deny parole with a review in two years from the date of the hearing.

September 23, 1986. At that time, Mr. Muhammad called an ambulance because Nialani was having trouble 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.

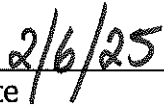
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Mr. Muhammad's second appearance before the Board. He was 38-years-old at the time of the offense. He is now 77-years-old. He has been incarcerated for 38 years. Mr. Muhammad maintains that he was in an alcoholic-induced blackout and, thus, has no recollection of committing the offense. He has been sober since his incarceration. Mr. Muhammad has completed numerous programs that addressed his addiction, emotional health, anger, and violence. Mr. Muhammad also gained his BA from Boston University. This Board is of the opinion he addressed his need areas. He is low risk on the LS/CMI. In addition, the Board considered his age and health issues in reaching this decision. Mr. Muhammad presents with a significant support system, many who testified to his transformation, insight, and how they could support his reentry. The Board also considered testimony from a formerly incarcerated individual who benefitted from his mentorship, as well as a support letter attesting to the same. The Board also considered the testimony of those who spoke in opposition to his parole, including the victim's mother and her supporters, and Suffolk County Assistant District Attorney Montez Haywood.

SPECIAL CONDITIONS: Approve home plan before release; Waive work due to age; Curfew – Must be home between 10pm and 6am; Electronic monitoring for 90 days; Must be supervised for drugs, testing in accordance with Agency policy; Must be supervised for liquor abstinence, testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No unsupervised contact with any person under the age of 16; No contact with victim(s)' family; No contact with victim(s); Must have mental health counseling for adjustment; Must attend AA at least 3 times per week; Mandatory – DA Referral.

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.


Tina M. Hurley, Chair


Date