

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

NEIL NILAND

W58721

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 25, 2022**

DATE OF DECISION: **December 5, 2022**

PARTICIPATING BOARD MEMBERS¹: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On May 31, 1995, after a jury trial in Middlesex Superior Court, Neil Niland was convicted of second degree murder in the death of 17-year-old Melissa Herlihy.

Mr. Niland appeared for his fourth parole hearing on August 25, 2022. He was represented by Attorney John Rull. Mr. Niland was denied parole after his initial hearing in 2009, and after his review hearings in 2014, 2016 and 2018. The entire video recording of Mr. Niland's August 25, 2022, hearing is fully incorporated by reference to the Board's decision.

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 by unanimous vote that the inmate is a suitable candidate for parole.

Reserve to LTRP after one year in lower security. On June 26, 1994, 20-year-old Mr. Niland shot his 17-year-old girlfriend and mother of his daughter, Melissa Herlihy, killing her. Mr. Niland has served nearly thirty years in prison for the murder. He accepts responsibility for his actions and has demonstrated insight into his crime. He has completed approximately sixty rehabilitative

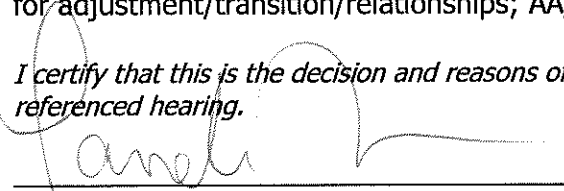
¹ Former Chair Gloriann Moroney was no longer a board member at the time of the vote.

programs, including Jericho Circle, Alternatives to Violence, and CRA. Mr. Niland has completed the Twelve Steps of AA and has done programming to address his substance abuse history. The Board notes he has strong family support and presented a thoughtful parole plan. Given his lengthy period of incarceration, he will benefit from a gradual transition through lower security before release into the community.

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. Niland'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. Niland's risk of recidivism. Applying this standard to the circumstances of Mr. Niland's case, the Board is of the unanimous opinion that Neil Niland is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to LTRP; Waive work for program; Curfew – Must be at home between 10pm and 6am; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Counseling for adjustment/transition/relationships; AA/NA at least 3 times/week.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel

12/5/22
Date