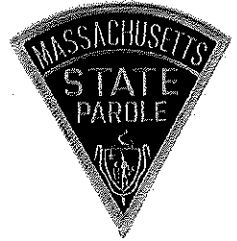




The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**PATRICK KELLEY**

**W58472**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 5, 2019

**DATE OF DECISION:** May 19, 2020

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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, 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 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 CASE**

On April 25, 1995, in Suffolk Superior Court, Patrick Kelley pleaded guilty to aggravated rape - habitual criminal (3 counts) and was sentenced to three concurrent life sentences. He also pleaded guilty to several additional charges and received the corresponding sentences: armed robbery (life), armed assault in a dwelling (life), two counts of kidnapping (9 to 10 years), assault and battery by means of a dangerous weapon on a person age 65 or older (9 to 10 years) and assault by means of a dangerous weapon (4 1/2 to 5 years). The non-life sentences were originally ordered to run from and after the life sentences with 10 years of probation, but on May 23, 1995, in Suffolk Superior Court, the sentences were revised and revoked to run concurrent to one another.

On September 16, 1994, Patrick Kelley (age 30) raped 76-year-old Victim #1<sup>1</sup> and 31-year-old Victim #2,<sup>2</sup> at knife point, in the Dorchester home of Victim #1. Victim #1 was home with her ill husband, expecting Victim #2 (a visiting nurse) to come and care for him. Shortly after 6:00 p.m., the doorbell rang. Victim #1 looked through her blinds to determine if she knew the visitor. Upon recognizing the person as a man who had been doing repair work on her home, she opened the door to speak with him. Mr. Kelley, who had been there approximately five to six times before, stated that he had material for the contractor, who was meeting him there to do work.

Once inside (and when she turned her back), Mr. Kelley grabbed Victim #1 from behind, by putting his arm around her neck. After telling her that he had a gun and knife, Mr. Kelley forced Victim #1 to the kitchen area. He took objects from the kitchen table and struck her with a bottle and a black cast iron frying pan. Mr. Kelley slapped the victim and threatened to kill her, telling her to "keep quiet and shut [her mouth]." He then followed her, after demanding that she get her jewelry box and money. Mr. Kelley forced Victim #1 to the second floor, where he raped her vaginally and anally. He also attempted to force her to perform oral sex. Mr. Kelley took approximately \$75, stating that he was a drug addict who needed a fix, and that he would kill her because he did not mind dying.

Sometime between 7:30 and 8:00 p.m., the doorbell rang and Victim #2 (the visiting nurse) entered the home. While holding a knife, Mr. Kelley forced Victim #2 upstairs and told her to remove her clothing because he was going to rape her. Mr. Kelley told Victim #2 that "he could kill her," and that he "had killed a police officer before." He forced Victim #1 to lie face down on the floor and then threw the nurse on the bed and raped her. Mr. Kelley then took both women downstairs, where he went through their pocketbooks, looking for money. He locked them both in the bathroom and barricaded the door. He ripped the phones out of the walls and then fled the scene.

## **II. PAROLE HEARING ON SEPTEMBER 5, 2019**

Patrick Kelley, now 55-years-old, appeared before the Parole Board on September 5, 2019 for a review hearing. He was not represented by counsel. Mr. Kelley was denied parole after both his initial hearing in 2009, and his review hearing in 2014. He waived his review hearings in 1998 and 2011. In his opening statement to the Board, Mr. Kelley offered an apology to the victims of his offense, acknowledging it to be the biggest mistake of his life and stating that he had not been raised to commit such an act.

Mr. Kelley discussed the governing offense that resulted in the brutal rape and torture of two women over an extended period. He indicated that his motive that night was to obtain money to support his addiction to cocaine and alcohol. He denied any sexual motivation. For a period of three years, he had been consuming approximately one-half ounce cocaine and three pints of alcohol daily. He knew that the couple was elderly, and that the husband was bedridden. Mr. Kelley claimed, however, he was unaware that the visiting nurse would be coming to the house until she rang the doorbell. He presumed there was money in the house, as the victim had previously paid him in cash for his work. He does not recall threatening to kill

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<sup>1</sup> The names of all sexual assault victims are withheld. GL, c. 265, § 24C.

<sup>2</sup> See FN 1.

the victims or making such remarks as he "did not mind dying" or he "had previously killed a police officer." When asked by the Board as to why he committed the offense, Mr. Kelley stated, "What happened, happened." It should be noted that it took Mr. Kelley approximately 25 years to admit to raping Victim #2. When asked why it took so long to come to terms with the governing offense, Mr. Kelley responded that he was "in denial." Mr. Kelley admitted to committing a prior larceny/robbery of an elderly male to support his habit.

The Board discussed Mr. Kelley's institutional adjustment at North Central Correctional Institution (NCCI). He is employed in the kitchen, where he works eight hours a day, seven days a week. He has not incurred any disciplinary infractions since his last hearing. Mr. Kelley is currently enrolled in Pathways to Recovery. He completed the Sex Offender Assessment and Treatment Introduction (SOTP) in May 2019. He has been recommended for transfer to the Massachusetts Treatment Center (MTC) to continue his participation in SOTP and has accepted the recommendation to transfer. Department of Corrections records reflect that, beginning in May 2007, he attended the SOTP orientation, but was terminated in October 2008 due to poor attendance. Although it had been recommended, Mr. Kelley declined to participate in the program in 2009, 2011, and 2013. When Board Members asked why it took so long to engage in meaningful treatment/rehabilitation, Mr. Kelley stated, "I got tired of sitting around, and [sic] finally became man enough to do what I am supposed to do and start taking responsibility." He sporadically attends Narcotics/Alcoholics Anonymous programming, as he does not find it beneficial. There is no indication of drug or alcohol use throughout his incarceration.

Suffolk County District Assistant District Attorney Charles Bartoloni spoke in opposition to parole.

### **III. DECISION**

It is the opinion of the Board that Patrick Kelley has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Kelley raped a 76-year-old and a 31-year-old female at knife point. He has served approximately 25 years for the offenses and has yet to complete the SOTP (Sex Offender Treatment Program). Release does not meet the legal standard.

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. Kelley'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. Kelley's risk of recidivism. After applying this standard to the circumstances of Mr. Kelley's case, the Board is of the opinion that Patrick Kelley is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Kelley's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages him 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.*

  
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Pamela Murphy, General Counsel

5/19/2020  
Date