



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
PAROLE BOARD

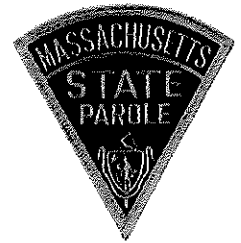
12 Mercer Road
Natick, Massachusetts 01760

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

Telephone: (508)-650-4500
Facsimile: (508)-650-4599



Tina M. Hurley
Chair

Lian Hogan
Executive Director

RECORD OF DECISION

IN THE MATTER OF

PATRICK KELLEY

W58472

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 10, 2024**

DATE OF DECISION: **December 18, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, and Rafael Ortiz.¹

VOTE: Parole is denied with a review in one year from the date of the hearing.²

PROCEDURAL HISTORY: On April 25, 1995, in Suffolk Superior Court, Patrick Kelley pleaded guilty to three counts of aggravated rape as a habitual criminal and was sentenced to three concurrent life sentences. He pleaded guilty to several additional charges stemming from the same incident and received the corresponding sentences: armed robbery (life), armed assault in a dwelling (life), two counts of kidnapping (9 ½ to 10 years), assault and battery by means of a dangerous weapon on a person age 65 or older (9 ½ to 10 years) and assault by means of a dangerous weapon (4 ½ 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, the sentences were ordered to run concurrent to one another following a motion to revise and revoke Mr. Kelley's sentence.

Mr. Kelley appeared before the Board on September 10, 2024, for a review hearing. Mr. Kelley was not represented by counsel. Mr. Kelley was denied parole after his initial hearing in 2009,

¹ Chair Hurley was not present at the hearing, but reviewed the video recording in its entirety and participated in the vote.

² Two Board Members voted to deny parole with review in two years.

and after his review hearings in 2014 and 2019. The Board incorporates, by reference, the entirety of the recording of Mr. Kelley's September 10, 2024, hearing.

STATEMENT OF THE CASE: On September 16, 1994, Patrick Kelley (age 30) raped 76-year-old Victim #1³ and 31-year-old Victim #2, at knife point, in Victim #1's Dorchester home. 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, Mr. Kelley grabbed Victim #1 from behind when she turned her back. Mr. Kelley put 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 fled the scene.

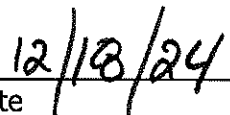
APPLICABLE STANDARD: Parole shall be granted "only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." G. L. c. 127, § 130. The Board considers multiple factors in making its decision, including the incarcerated individual's institutional behavior; their participation in available work, education, and treatment programs during their incarceration; and whether the incarcerated individual's chances of recidivism could be reduced by participation in risk reduction programs. G. L. c. 127, § 130. The Board considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the entirety of the incarcerated individual's criminal record, the incarcerated individual's institutional record, the incarcerated individual's testimony at the hearing, and the views of the public expressed at the hearing and/or in written submission to the Board.

³ The names of sexual assault victims are withheld pursuant to G. L. c. 265, § 24C.

DECISION OF THE BOARD: This is Mr. Kelley's fourth appearance before the Board. Since his last hearing in 2019, he has completed the Sex Offender Treatment Program. He scores medium risk on the LSCMI risk assessment tool. He has received no disciplinary reports since 2013. He has been employed in the optical shop and kitchen. He has been sober for 30 years. However, the Board has concerns about Mr. Kelley's insight into the causative factors of his crimes. The Board also has concerns regarding the lack of specifics in Mr. Kelley's re-entry plan and how it will address his ability to safely be released to the community. The Board recommends that Mr. Kelley continue to engage in programming.

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