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*The Commonwealth of Massachusetts*  
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**PAROLE BOARD**

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Charlene Bonner  
Chairperson

Janis DiLoreto Smith  
Executive Director

**DECISION**

**IN THE MATTER OF**

**PATRICK KELLEY**

**W58472**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 16, 2014

**DATE OF DECISION:** December 2, 2014

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not suitable for parole. His next hearing will be 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 (three counts) and was sentenced to three concurrent life sentences. He also pleaded guilty to additional charges and received the following corresponding sentences: armed robbery (life), armed assault in a dwelling (life), two counts of kidnapping (nine to ten years), assault and battery by means of a dangerous weapon on a victim 65 or older (nine to ten years), and assault by means of a dangerous weapon (four and a half to five years). The non-life sentences were originally ordered to run from and after the life sentence with ten 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, Kelley, then 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 home of Victim #1 located in Dorchester, Massachusetts. Victim #1 was at home with her ill husband at that time and was expecting Victim #2, the visiting nurse, to come and care for him.

A short time after 6:00 p.m., the doorbell rang. She 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. Kelley, who had been there approximately five to six times before the assault, stated he had to deliver some materials and that a contractor was meeting him there to do some work.

Once inside, Victim #1 turned her back to Kelley who then grabbed her from behind with his right arm around her neck. Kelley stated he had a gun and a knife and forced her to the kitchen area. He took objects from her kitchen table and struck her with those, including a bottle and a black cast-iron frying pan. He slapped the victim and threatened to kill her, telling her to "keep quiet and to shut [her] mouth." Kelley demanded she get her jewelry box and forced her to walk around both floors of the house while he followed her as she opened drawers. He also demanded money.

Kelley forced Victim #1 to the second floor where he raped her both vaginally and anally and attempted to force her to perform oral sex at knifepoint. He took approximately \$75 and change. He stated he was a drug addict who needed a fix and, further, that he would kill her because he did not mind dying.

Sometime between 7:30 and 8:00 p.m. the doorbell rang and (visiting nurse) Victim #2 entered the home. Kelley forced Victim #2 upstairs while holding a knife and told her to remove her clothing because he was going to rape her. 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 where he raped her. Kelley then took both women downstairs again where he went through their pocketbooks looking for money. He then locked them both in a closet, barricaded the door with a dresser, ripped the phones out of the walls, and fled the scene.

## **II. CRIMINAL, INSTITUTIONAL, AND PAROLE HISTORY**

Kelley has an extensive criminal history. Notably, on December 27, 1988, in Middlesex Superior Court, Kelley was convicted of robbery (five and one quarter to nine years), kidnapping (five and one quarter to nine years), breaking and entering (three to five years), larceny (three to five years), and assault and battery (guilty filed). Based on his history of felony convictions in Massachusetts committed before these 1988 offenses, Kelley was also considered to be a habitual criminal under G.L. c. 270, § 25. Kelley received a parole. However, he was returned to custody following a new arrest for assault, which was dismissed. Other parole violations included use of alcohol and his failure to inform his parole officer of his whereabouts, as Kelley had absconded to another state. Kelley remained in custody until his sentence was discharged on May 26, 1993.

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

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



During his incarceration on the governing offenses, Kelley has participated in limited programming. Department of Correction records reflect that, beginning in May 2007, he attended the Sex Offender Treatment Program orientation but was terminated on October 14, 2008 due to poor attendance. Although recommended, Kelley has declined to participate in further sex offender programming. Indeed, since his parole denial in 2009, Kelley has not participated in any programming. DOC records further reflect that his attendance at AA and NA meetings has been sporadic since 2005. Kelley also has disciplinary reports for infractions such as fighting with another inmate, disobeying staff orders, and self-mutilation.

### **III. PAROLE HEARING ON SEPTEMBER 16, 2014**

This was Kelley's second appearance before the Board, having been denied following a 2009 hearing. That Board voted to deny parole to Kelley and gave him a five year review date. The Board highlighted the governing offense, the minimal programming to address the causative factors of his offense, and the lack of acceptance of responsibility for the rape of then 76 year old Victim #1, as primary reasons for his denial.

During this hearing, Kelley stated he recognized the primary reasons for his denial were "I didn't do no [sic] programs that I was told to do." He then was able to describe why the Board would recommend specific programs, such as sex offender treatment, and stated that he was not expecting a parole. Kelley agreed that he needs to first engage in programs that would help him progress in his rehabilitation. Kelley spent the remainder of the hearing discussing why he has resisted treatment for so long, and why now he is agreeing that it would be beneficial. He did engage in sex offender treatment in 2007, but was terminated in 2008 due to poor attendance. Kelley stated he left treatment because he had a conflict with the instructor and refused to return as long as that instructor was there. Kelley stated that he now intended on requesting to re-enroll in sex offender treatment at another facility and hoped that he would be able to return to the Board at some point after having completed it.

The Board did question Kelley about his history of numerous hospitalizations at Bridgewater State Hospital. DOC records reflect that Kelley had five such commitments. Kelley stated that early on in his incarceration he had multiple suicide attempts. He stated that he was depressed over "what I did," but stated that he no longer feels depressed and he is not an open mental health case at this time.

The Board also questioned Kelley about his support system, both within the institution and within the community. Kelley stated that he does not have many supports, but said that his mother is still supportive. He stated that he did not want her to come to the hearing. Kelley also admitted to a history of substance abuse and was encouraged to attend more self-help groups or addiction programming. The Parole Board stated that Kelley may be able to build more supports within the institution if he attended groups with people who were also motivated to rehabilitate. Kelley was hesitant because he felt people in those groups were not taking their treatment seriously and stated he would rather work. He did state, however, that he would try to find groups that were helpful to his recovery.

Kelley did not provide a parole plan and stated that he knew he was not ready for parole at this time. He did not have anyone attend in support. The Suffolk County District Attorney's Office provided a letter of opposition citing the nature of the offense and Kelley's lack of

investment in any rehabilitation as primary reasons for their recommendation that parole be denied.

#### **IV. DECISION**

Patrick Kelley, now 51 years old, has spent many years in prison resisting rehabilitation. He committed a brutal rape of a 76 year old woman and a 31 year old woman. Kelley has numerous issues, including drug and alcohol addiction, which he has failed to address despite recommendations from both his case worker and the Parole Board. Kelley also has a lack of support or realistic plan to address his many needs. Kelley was encouraged by the Parole Board to invest in treatment if he truly wants to be considered for parole in the future.

The standard for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such an 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." Applying that appropriately high standard, it is the unanimous decision of the Parole Board that Kelley is not suitable for parole. He will be eligible for a review hearing in five years from the date of the hearing.

*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.*

  
Caitlin E. Casey, Chief of Staff

12/2/14  
Date