



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

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



Josh Wall
Chairman

DECISION

IN THE MATTER OF

RALPH GEARY

W34461

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 14, 2013

DATE OF DECISION: February 10, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On February 19, 1974, Ralph Geary was sentenced in Bristol Superior Court to life with the possibility of parole for the second degree murder of Nancy Jane Cote, age 25. On September 18, 1972, Robert Geary and his 17 year-old son, Ralph Geary, went to the Foxboro State Police barracks where Mr. Geary requested that his son be committed to Foxboro State Hospital. When asked why, Mr. Geary stated that his son had murdered a female and tried to commit suicide.

Robert and Ralph Geary accompanied officers to a location on Route 123 in Norton, Massachusetts, where the body of a female, later identified as Nancy Jane Cote, age 25, was located in a grove of trees belonging to Bristol Farms Ice Cream Stand. The body was located 206 feet from the parking lot and was nude except for the ripped remains of a blue jersey under part of her torso. The deceased female was lying on her back with knees raised and spread, arms flat on the ground and her hands above her head. There were three long thin

bruise marks on her right bicep which appeared to have been made by the firm grip of a hand. There was considerable damage to the neck in the form of purple bruises, which appeared to have been made by an object being placed tightly around her neck. A pocketbook, wig, slacks (ripped), underpants, bra, and tie string from a jersey, were all found at various distances from the body.

Geary has provided different versions of his intentions and actions that day. It has been learned over subsequent hearings that Geary intentionally sought to take advantage of Ms. Cote after making sure that she was intoxicated. Geary has admitted that he coerced Ms. Cote to come with him to a picnic area in Norton so that he could have sexual intercourse with her. Ms. Cote declined. Geary continued to attempt to have sexual intercourse with her but he could not maintain an erection. He then told Ms. Cote to take her clothes off. When she resisted he threatened to remove her clothes himself and tore her blouse. Geary still could not get an erection. As he grew more and more enraged both by his failure to maintain an erection and by Ms. Cote's resistance, he grabbed a tree branch and pushed it down on her throat. Geary strangled Ms. Cote to death and left the area.

II. PAROLE HEARING ON NOVEMBER 14, 2013

Ralph Geary was denied parole in 1987, 1993, 1997, 2002, and 2005, and most recently in 2010 with a three year review. He had postponed his parole hearings in 1990, 1992, 1996 and 2002.

During this parole hearing, Geary was represented by Jessica Arthur, a student attorney from Northeastern University School of Law. The Parole Board focused on Geary's pattern of offending, precipitants to his offending, and whether he has been rehabilitated. At the time of this offense, Geary was on probation for assault with intent to rape, lewd and lascivious behavior, and assault and battery. The prior crime was similar to the behavior exhibited when he murdered Ms. Cote. He was found to be a sexually dangerous person in 1978. In 1992, Geary was found no longer to be a sexually dangerous person. Geary admitted to the similarities in the crimes, and emphasized how much alcohol played a role in his criminal acts and sexual deviance.

Geary emphasized how he has addressed all of his issues via his successful completion of the Sex Offender Treatment Program (SOTP). Geary pointed to numerous program evaluations to support his progress. The Parole Board reviewed concerns raised in various evaluations, including his history of receiving treatment for various mental disorders, primarily during the earlier stages of his incarceration. Geary has a significant trauma history himself, and was experiencing symptoms of "paranoia" and feeling "socially inept" just prior to the murder. He was committed to Bridgewater State Hospital following the murder and received treatment for what appeared to be psychotic symptoms, as well as being diagnosed with anti-social personality disorder. Geary has engaged in mental health services during his incarceration and stated he has been able to effectively address his highly traumatic history that was marked by violence, dysfunctional family relations, and sexual abuse. Geary feels that he no longer is in need of intensive treatment. Geary provided documentation from his treatment providers who validate his successful completion of SOTP and progress that he made via individual and group therapy.

The Parole Board also addressed Mr. Geary's poor institutional conduct for the first two decades of his sentence. Geary continued to pick up criminal charges while serving his sentence. On April 2, 1980, while at the Bridgewater Treatment Center, Geary was suspected of being intoxicated. When he was ordered held in Intensive Care until a sample could be obtained, Geary refused and began to fight the officers and eventually bit one officer, bent the thumb back on another officer, and caused a back strain on a third officer. He was charged and pleaded guilty to assault and battery on a corrections officer and received a one year to one year and a day from and after his life sentence.

On April 11, 1990, while on community access release from the Treatment Center in Bridgewater, Geary was charged with operating under the influence of alcohol (guilty, one year probation), leaving the scene of property damage (guilty, filed), possession of class d (guilty, filed), assault and battery on a police officer (dismissed), and escape (dismissed). Geary abused the privileges afforded him by the community access program. From 1985 to 1990, the community access program allowed Geary to be in the community for workdays and weekends, which he would spend at his wife's house. Geary admitted that he drank alcohol and smoked marijuana for years while he was serving his sentence. In 1994 he overdosed on heroin in the institution. Geary stated that the crimes that he committed while incarcerated resulted from alcohol use and poor decisions. He stated that since that period of time he has invested in his rehabilitation with an emphasis on sobriety. Geary stated he has been sober for 19 years which is supported by his institutional record.

Geary answered numerous questions that specifically focused on each area of need he has, including his alcohol addiction, history of sexual violence, history of mental health issues, and concerns regarding being institutionalized after his long incarceration. Geary responded with the achievements he has made in his rehabilitation, and believes that with his family and community support, as well as his re-entry plan, that he will be successful. Geary acknowledged that alcohol has been a major factor in his criminal offending, but strongly believes he has the tools and supports to maintain his sobriety. The Parole Board was concerned with the possibility that he has minimized his own trauma history and that perhaps his positive adjustment in prison is a reflection of his institutionalization. Geary continued to respond with his belief that he has sufficiently addressed his needs and will continue to do so in the community.

Geary provided numerous psychological assessments to demonstrate his rehabilitation. Dr. Robert H. Joss, Ph.D. testified as an expert at the hearing. Dr. Joss conducted an independent psychological evaluation of Geary that included an assessment using actuarial tools to evaluate Geary's level of risk in specific areas, as well as a review of information related to Geary's rehabilitation. Dr. Joss provided an opinion based on his assessment that Mr. Geary is an excellent candidate for success on parole.

Elizabeth Hardy, LICSW worked with Geary from 2002-2006 as a clinician during his participation in SOTP. Ms. Hardy provided a letter of support on behalf of Geary. She also testified as to his progress in SOTP. Ms. Hardy believes Geary has gained significant insight and stated his completion of SOTP program was "nothing less than stellar."

Also speaking in support for Geary's parole release were members of his extended family. Geary's most significant support is his wife Jill Brotman, who he met while incarcerated. They have known each other for 28 years. They married in 2010. Ms. Brotman's family and members of her community in Ohio provided testimony as to the supports that are in place, and those they are willing to establish. Such witnesses stated that the religious community with whom they are strongly affiliated will accept Geary as part of their family. In addition, he will attend both outpatient sex offender counseling and individual counseling, and he will continue to invest in Alcoholics Anonymous. Geary has also been offered employment opportunities.

Speaking in opposition to parole was Detective Todd Bramwell of the Norton Police Department. Detective Bramwell also provided a letter of opposition detailing his concern with Geary's risk to public safety. Detective Bramwell highlighted Geary's violent past and numerous victims, and his concern that, by Geary's own admission, if he were to drink again "all bets are off." He also spoke on behalf of Ms. Cote's family.

III. DECISION

Ralph Geary has been incarcerated for 41 years. He was previously determined to be a sexually dangerous person in 1978 based on his pattern of sexual deviance and extreme violence. In 1992, Geary was found no longer to be a sexually dangerous person. Geary has committed serious violations during his incarceration, including new criminal offenses. All of his offenses, including those while incarcerated, have included the abuse of alcohol. Geary's last disciplinary issue was in 1994. He has invested in his rehabilitation, completing the sex offenders' treatment program in 2005 and numerous additional programs related to his addiction to alcohol. Geary stated he has been sober for 19 years. He has also invested in his education, gaining his Bachelor of Arts. He has developed a good support system. He has known his wife for over 28 years, and she and her extended family have stated their commitment to support Mr. Geary upon his re-entry into the community where they reside (Ohio). The Parole Board acknowledges Mr. Geary's commitment to rehabilitation, the strong progress that he has made, and his established support system.

Given Geary's history of sexual deviance, ending in the murder of Ms. Cote, the Parole Board has paid particular attention to the expert opinions and assessments related specifically to sexual offenders. Geary's Static 99-R risk assessment (designed to estimate sexual recidivism in adult males) places him as a high risk to re-offend based on static factors. A repeat sex offender who murdered a woman and is assessed as high risk to reoffend remains a risk to public safety.

The standard we apply in assessing candidates 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 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 here, the Board finds that Mr. Geary is not a suitable candidate for parole. His next hearing will be in two years.

The high risk score on the Static 99-R will be lower in two years due to Geary's advancing age. The Parole Board recommends that Mr. Geary continue to invest in his rehabilitation. The Parole Board encourages Mr. Geary to focus on a realistic re-entry plan that will account for his own history of trauma and 41 years of institutionalization. Mr. Geary will be expected to incorporate all of his needs, including treatment for alcohol abuse, adjustment issues, and sex offender treatment into his further rehabilitation and re-entry plan. At his next parole hearing, Mr. Geary should have a lower risk assessment which will be considered with all other factors.

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.


Janis DiLoreto Noble, General Counsel


Date