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DECISION

IN THE MATTER OF

RALPH GEARY

W34461

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 31, 2017

DATE OF DECISION: August 3, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 that the inmate is a suitable candidate for parole.¹ Parole is granted with special conditions to Interstate Compact in Ohio.

I. STATEMENT OF THE CASE

On February 19, 1974, in Bristol Superior Court, Ralph Geary pled guilty to the second degree murder of Nancy Cote. Subsequently, he was sentenced to life in prison with the possibility of parole. At the time of Ms. Cote's murder, Mr. Geary was on probation for assault and battery on a different female victim. On April 2, 1980, after his commitment to the Bridgewater Treatment Center as a Sexually Dangerous Person, Mr. Geary attacked three officers. He was charged with (and later pled guilty to) three counts of assault and battery on correction officers. Mr. Geary was sentenced to a term of one year to one year and one day, to be served from and after his life sentence.² In 1992, it was determined that Mr. Geary was no longer a Sexually Dangerous Person. At the time of Ms. Cote's murder, Mr. Geary was 17-years-old.

¹ Four Board Members voted to reserve Mr. Geary to Interstate Compact in Ohio. Two Board Members voted to deny parole with a review in three years.

² Mr. Geary's sentences were aggregated, so he is eligible to be paroled directly into the community.

On September 18, 1972, Ralph Geary's father took him 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. Ralph Geary and his father then accompanied officers to a location on Route 123 in Norton, where the body of 25-year-old Nancy Cote 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. There was considerable damage to her neck that appeared to have been made by an object being placed tightly around it. It has been learned (over subsequent hearings) that Mr. Geary intentionally sought to take advantage of Ms. Cote, after making sure that she was intoxicated. After she resisted, he grew more and more enraged, both by his failure to maintain an erection and by Ms. Cote's resistance. Mr. Geary grabbed a tree branch and pushed it down on her throat. He then strangled Ms. Cote to death and left the area.

II. PAROLE HEARING ON JANUARY 31, 2017

Mr. Geary, now 62-years-old, appeared before the Parole Board for a review hearing on January 31, 2017, and was represented by Attorney Patricia Garin and Student Attorney Laura Brewer. This was Mr. Geary's ninth appearance before the Parole Board. His initial hearing, in September 1987, resulted in the denial of parole. Subsequent review hearings also resulted in the denial of parole. However, Mr. Geary appealed his November 2015 hearing and was granted a new hearing. In his opening statement to the Board, Mr. Geary expressed his remorse and apologized for his actions involving Ms. Cote and the other female victim. He also cited his insight and understanding into why he committed the crimes. After a Board Member asked Mr. Geary to elaborate, Mr. Geary described several complex issues he experienced as a youth, including child neglect and abuse, as well as molestation and sexual assaults from older men. Mr. Geary also said, "There was the ... desperate desire for my mother's love and attention... which I projected onto women." Mr. Geary explained that those issues led him to assault Ms. Cote and the other female victim.

During the course of the hearing, the Board questioned Mr. Geary regarding the incident with his first victim, as well as the murder of Ms. Cote. Mr. Geary was asked why he thinks that there is no longer a risk that he might engage in such behavior in the future. Mr. Geary indicated that aside from having engaged in treatment, he mentioned the friends that he has today, and his wife (who has known him for 40 years), stating, "I couldn't hide for 40 years." Mr. Geary said that beyond the treatment, his wife is a big part of his support system. During his incarceration, he was able to spend time with his wife and her family through a community access program. Mr. Geary estimates that he had overnights with his wife twice a month for one and a half to two years. While participating in the community access program, Mr. Geary was working 40 hours a week managing a coffee shop. When asked if he ever had any issues in the community, Mr. Geary said, "None."

The Board asked Mr. Geary about his concerns regarding his return to the community. In response, Mr. Geary noted that he had been accepted into a rehabilitation center that offers counseling and opportunities for work. Mr. Geary expressed concern regarding people rejecting him based on his criminal history and its effect on his wife, step-daughter, or grandchildren. Mr. Geary was also asked how he would deal with being labeled a sex offender, if he were to be released. In response, Mr. Geary said that he would be in treatment and would have group

support, as well as family support. Mr. Geary has been at the same job for nearly 10 years. He participates in the Sex Offender Treatment Program (SOTP) Maintenance Program and substance abuse meetings. At the time of this hearing, he was also on the waiting list to participate in another Restorative Justice Program. (He had previously participated in several Restorative Justice Programs.) Mr. Geary is also committed to the Jewish faith. He prays daily at the prison synagogue and meets with a rabbi every week. Mr. Geary plans to convert to Orthodox Judaism when released from prison.

Mr. Geary had numerous supporters at his parole hearing. Mr. Geary's stepdaughter spoke on behalf of herself, Mr. Geary's wife, and other supporters present in support of parole. Dr. Frank DiCataldo, a psychologist, had prepared a report on Mr. Geary in 2015 for his last parole hearing. After reviewing additional materials gathered (since the prior hearing), Dr. DiCataldo presented his findings at this hearing. Mr. Geary's former therapist, Elizabeth Hardy, with whom he has maintained contact, offered testimony and spoke in support of parole. The Board received letters in support of parole, as well. Mr. Geary's first victim spoke in opposition to parole. Bristol County Assistant District Attorney Patrick Bomberg also spoke in opposition to parole. ADA Bomberg acknowledged the presence of Detective Todd Bramwell of the Norton Police Department. Detective Bramwell submitted a letter in opposition to parole on behalf of the Norton Police Department and Norton Chief of Police Brian Clark.

III. DECISION

Mr. Geary was a youthful offender when he committed the brutal offense. The Board recognizes the strides that he has taken. He has been actively engaged in treatment and programming to include the SOTP. He has also demonstrated a period in the community of positive adjustment. The Board assessed Mr. Geary's suitability for parole based upon the *Diatchenko* factors.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

In forming this opinion, the Board has taken into consideration Mr. Geary'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. Geary's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Geary's case, the Board is of the opinion that Mr. Geary is a suitable candidate for parole. Parole is granted to Interstate Compact Ohio with special conditions.

SPECIAL CONDITIONS: Release to other authority – Ohio; Waive work for two weeks; Not to enter Massachusetts unless approved by parole officer; Must be home between 10:00 pm and 6:00 am; Electronic monitoring – GPS; 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; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition; Mandatory Sex A conditions.

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.


Gloriann Moroney, General Counsel

8/3/17
Date