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PAROLE BOARD

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Paul Treseler
Chairperson

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

RALPH GEARY
W34461

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 10, 2015

DATE OF DECISION: February 29, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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, 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 not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.¹

I. STATEMENT OF THE CASE

In 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 with intent to rape, lewd and lascivious behavior, and assault and battery. 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. Subsequently, he was sentenced to a term of one year to one year and one day, to be served from and after his life sentence. In 1992, it was determined that Mr. Geary

¹ Five of the seven Members of the Parole Board voted to schedule a review hearing on Mr. Geary's petition for parole in four years. One Board Member voted to schedule a review hearing in five years. The remaining Board Member voted to reserve Mr. Geary's parole vote to the Interstate Compact, with specific parole conditions to be determined at a later date.

was no longer a Sexually Dangerous Person. At the time of Ms. Cote's murder, Mr. Geary was 17-years-old.

On September 18, 1972, Mr. 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. The deceased female was lying on her back with knees raised and spread, arms flat on the ground, and hands above her head. There were three long, thin bruise marks on her right bicep that appeared to have been made by the firm grip of a hand. There was considerable damage to her neck (in the form of purple bruises) that appeared to have been made by an object being placed tightly around it. A pocketbook, wig, ripped slacks, underpants, bra, and tie string from a jersey were all found at various distances from the body.

Mr. Geary has provided different versions of his intentions and actions that day. 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. Mr. 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. However, Ms. Cote declined. Mr. Geary continued to attempt to have sexual intercourse with her, but he could not maintain an erection. He then told Ms. Cote to take off her clothes. When she resisted, he threatened to remove her clothes himself and tore her blouse. Mr. 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. Mr. Geary strangled Ms. Cote to death and left the area.

II. PAROLE HEARING ON NOVEMBER 10, 2015

Mr. Geary, now 61-years-old, appeared before the Parole Board on November 10, 2015 for a review hearing. He was represented by student attorneys Laura Brewer and Halla Abdelrahman. This was his eighth appearance before the Board since September 1987, having also appeared before the Board in 1993, 1997, 2002, 2005, 2010, and 2013. Each appearance resulted in a denial of parole. In his opening statement to the Board, Mr. Geary apologized for Ms. Cote's murder. Mr. Geary also apologized to the victim that he sexually assaulted in 1971. During the course of the hearing, he spoke about Ms. Cote's murder. According to Mr. Geary, he became angry after Ms. Cote refused to have sex with him. Mr. Geary also reported feeling inadequate over his inability to maintain an erection. When asked why he strangled her, Mr. Geary reported that it was due to the feelings of rage he was experiencing at the time. Acknowledging that Ms. Cote's murder was a sexual offense, Mr. Geary described his motive as being a desire to release his rage.

Over the course of the hearing, Mr. Geary discussed his childhood. According to Mr. Geary, he was molested by a neighbor when he was approximately 11-years-old. Prior to the assault, Mr. Geary drank a can of beer given to him by the neighbor. Mr. Geary, who acknowledged his history of substance abuse, reported to the Board that this was his first

experience with alcohol. The Board notes that Mr. Geary used alcohol to incapacitate both the victim he sexually assaulted in 1971 and Ms. Cote, whom he murdered the following year.

Mr. Geary left school at age 15 and found work in both a factory and as an auto-mechanic. He also reported living on the streets for short periods of time in Rhode Island and New York, where he worked as a prostitute. When questioned by a Board Member, Mr. Geary expressed his disagreement with the assessment of Treatment Center staff that he was sexually obsessed at a young age. He further disagreed with the assessment of medical staff that he harbored anger towards his father for turning him into the police. Mr. Geary cited both the abuse he suffered at the hands of his mother during childhood and (what he described as) confusing sexual experiences, as the source of his anger. Describing his mother as cold and unaffectionate, Mr. Geary recounted for the Board an incident during his youth when his mother held his hand over a stove. Mr. Geary expressed to the Board his belief that his mother's abuse greatly influenced his feelings towards those women that he claimed to have sought love and affection from.

The Board also heard testimony from numerous witnesses, both in support of and in opposition to, Mr. Geary's petition for parole. Mr. Geary presented testimony from Elizabeth Hardy, his former therapist. Ms. Hardy described how Mr. Geary explored the issues surrounding his feelings towards women and the abuse he suffered at the hands of his mother. She also discussed her review of his treatment records and reported that she found no record of Mr. Geary having a sexual obsession during his childhood. Ms. Hardy further reported that Mr. Geary never cited his childhood abuse as an excuse or justification for his behavior during treatment. The Board also considered testimony from members of Mr. Geary's family and others, all of whom expressed support for his release.

The victim whom Mr. Geary sexually assaulted in 1971 also testified. In expressing her opposition to Mr. Geary's parole, she recounted the lasting effects of the assault on her physical health. She also recounted the smile on Mr. Geary's face as he strangled her, and described to the Board the terror she expects Ms. Cote must have experienced when she was killed. Bristol County Assistant District Attorney Aaron Strojney expressed opposition to Mr. Geary's parole. ADA Strojney noted that Mr. Geary had plans to hijack a plane to facilitate his escape from custody during his prior participation in a work release program. ADA Strojney also characterized Mr. Geary as having a high risk of recidivism and is, therefore, not an appropriate candidate for parole.

III. DECISION

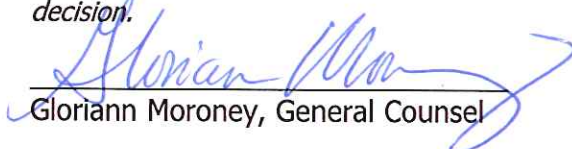
The Board is of the opinion that Mr. Geary has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Geary's rehabilitation.

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.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk reduction programs could effectively minimize Mr. Geary's risk of recidivism.

After applying this standard to the circumstances of Mr. Geary's case, the Board is of the opinion that Mr. Geary is not yet rehabilitated and his release is not compatible with the welfare of society. Mr. Geary, therefore, does not merit parole at this time. Mr. Geary's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Geary 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.


Gloriann Moroney, General Counsel

2/29/16
Date