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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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Paul M. Treseler  
Chairman

Michael J. Callahan  
Executive Director

**DECISION**

**IN THE MATTER OF**

**RICHARD CROTTY**

**W45497**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 8, 2016

**DATE OF DECISION:** January 10, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On November 7, 1988, in Essex Superior Court, Richard Crotty pled guilty to the second degree murder of Gary Landry. He was sentenced to life imprisonment with the possibility of parole for the murder of Mr. Landry. That same day, he also received a 4 to 5 year concurrent sentence for carrying a firearm without a license.

On October 19, 1987, Richard Crotty went to Gary Landry's home in Beverly. The two men had been introduced several months prior. Mr. Crotty had borrowed a substantial amount of money (from multiple lenders) to finance a home construction business and, on the day of the murder, payment was overdue on a \$40,000 loan from Mr. Landry. During the course of the visit, the two men went down to Mr. Landry's basement. When going back upstairs, Mr. Crotty followed Mr. Landry and shot him in the back of the head with a .25 caliber Colt pistol. Mr. Crotty had borrowed the pistol from his landlord the day before. The following day, a co-

worker contacted Mr. Landry's neighbor and asked him to check on him, after he failed to report to work the previous day. The neighbor found Mr. Landry lying face down on the basement floor in a pool of blood and called the police. That same day, Mr. Crotty returned the pistol to his landlord and told him that he had fired a couple of shots. He later attended Mr. Landry's funeral and feigned innocence.

Mr. Crotty was subsequently indicted for first degree murder, carrying a firearm, and carrying a firearm without a license. He was out on bail for approximately one year before pleading guilty to second degree murder.

## **II. PAROLE HEARING ON SEPTEMBER 8, 2016**

Mr. Crotty, now 59-years-old, appeared before the Parole Board for a review hearing on September 8, 2016. His initial hearing, on September 2, 2003, resulted in the denial of parole. Parole was also denied after his hearings in 2008 and 2013. In his opening statement to the Board, Mr. Crotty apologized and expressed his remorse to Mr. Landry's family, friends, and neighbors for taking Mr. Landry's life. Mr. Crotty discussed the events that led up to the murder, including a disagreement as to how much interest was owed to Mr. Landry. Mr. Crotty claimed that Mr. Landry allegedly had his house broken into by two men. According to Mr. Crotty, Mr. Landry called his home shortly after the break in and implied that he had been behind it. When asked if he had notified the police about this phone call, Mr. Crotty said, "no." After the break in, Mr. Crotty told Mr. Landry that he would not pay him any interest, only the initial \$40,000.

On the day of the murder, Mr. Crotty arrived at Mr. Landry's house with a briefcase containing \$60,000 and placed it on the kitchen table. The Board questioned Mr. Crotty as to why he would bring \$60,000, when he had only planned to give Mr. Landry \$40,000 (but knew that Mr. Landry had wanted more). Mr. Crotty said that the other money was for the business, and that he had not considered the possibility that Mr. Landry could try to acquire all the money in the briefcase. Mr. Crotty said that after he put the briefcase on the table, Mr. Landry asked him to go down to his basement to look at a lock he had been unable to open. Mr. Crotty said he thought that the two men who had broken into his home could be in the basement, so he proceeded to take the gun out of the briefcase before following Mr. Landry. Mr. Crotty was asked why he would go into the basement, given his concerns. He replied that he felt "invincible" because he had the gun. He does not believe that Mr. Landry saw the gun because it was small, and he had placed it in the palm of his hand. The Board also questioned as to why Mr. Crotty borrowed the gun from his friend, when he owned multiple guns himself. Mr. Crotty stated that this particular gun fit into the briefcase, and he would sometimes borrow it when carrying large sums of money. A Board Member asked Mr. Crotty about the rationale behind keeping a gun inside a locked briefcase with the money he sought to protect. Mr. Crotty stated, "I didn't think of anybody just coming up and robbing me like that...I thought of like when I was paying them they could try to do something or whatever."

When they entered the basement, Mr. Landry tried to hand Mr. Crotty a butter knife to open a locked filing cabinet. Mr. Crotty said he declined to take the knife, fearing that Mr. Landry was trying to get his fingerprints on it. Mr. Landry and Mr. Crotty then proceeded to climb the stairs out of the basement. According to Mr. Crotty, Mr. Landry placed his hand in his pocket and started to turn towards him. Mr. Crotty said he believed that Mr. Landry was

reaching for a gun, so he raised his gun and shot him. After Mr. Landry fell, Mr. Crotty grabbed the money and left Mr. Landry's house. Mr. Crotty was asked what had happened to the money after the murder. He said that it was eventually used on materials and bills for the house that was being built. Mr. Crotty was also questioned about his behavior after the murder, particularly when Mr. Crotty attended the funeral and suggested that the murder had been a "professional job." Mr. Crotty said that he was "scared to death" and was trying to "deflect." He admitted that he thought about leaving town.

When asked why he thinks he has not been granted parole, Mr. Crotty said he believes the main issue is that his version of events does not match the official version of the crime. Mr. Crotty referenced letters from the District Attorney, indicating that he admitted in court that he went to Mr. Landry's house to shoot and kill him in order to avoid repaying the \$40,000. Mr. Crotty maintains that he never made that statement. While he admitted that he is the person who shot and killed Mr. Landry, he said that he did not go to Mr. Landry's house with the intent to kill him.

Mr. Crotty had multiple supporters at his hearing. The Board considered oral testimony from Mr. Crotty's friend (a retired police lieutenant) and his cousin's husband, both of whom expressed support for his parole. In addition, many letters were submitted in support of parole. The Board also considered testimony from a friend of Mr. Landry, two of Mr. Landry's cousins, and the husband of one of Mr. Landry's cousins, as well as Essex County Assistant District Attorney Elin Graydon, all of whom spoke in opposition to parole.

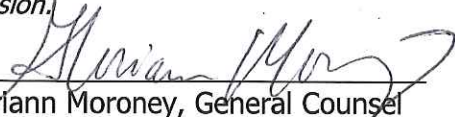
### **III. DECISION**

The Board is of the opinion that Mr. Crotty has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He continues to disregard the Board's recommendations that have encouraged him to address the devious and calculating behavior that led to his imprisonment. Further, the Board continues to reject Mr. Crotty's version of the offense and believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Crotty'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 forming this opinion, the Board has taken into consideration Mr. Crotty's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Crotty's risk of recidivism. After applying this standard to the circumstances of Mr. Crotty's case, the Board is of the unanimous opinion that Mr. Crotty is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Crotty's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Crotty 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

11/10/17  
Date