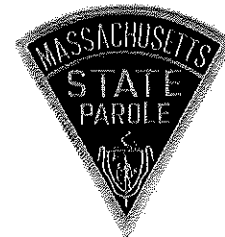




*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

IN THE MATTER OF

RICHARD CROTTY

W45497

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 11, 2018**

DATE OF DECISION: **August 19, 2019**

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

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 a suitable candidate for parole. Parole is granted to an approved home plan with special conditions, but not before 18 months in lower security.

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 and was sentenced to life in prison with the possibility of parole. On that same date, 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 a neighbor and asked him to check on Mr. Landry, 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. 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 11, 2018

Richard Crotty, now almost 61-years-old, appeared before the Parole Board for his review hearing on September 11, 2018. He was not represented by counsel. Mr. Crotty had been denied parole after his initial hearing in 2003, and after his review hearings in 2008, 2013, and 2016. In his opening statement to the Board, Mr. Crotty expressed his regret for the pain and suffering he has caused the family and friends of Gary Landry.

The Board discussed Mr. Crotty's institutional adjustment since his last hearing. Mr. Crotty has been incarcerated at North Central Correctional Center since 1989, and is currently employed in the optical shop. He has been consistently employed throughout his incarceration. Since his last hearing, Mr. Crotty has maintained a positive deportment. According to his personalized program plan, he is on a waitlist for Academic Education and Able Minds and has completed all other recommended programming at this time. It does not appear that Mr. Crotty has any substance abuse issues.

In discussing the governing offense with Board Members, Mr. Crotty did not dispute the facts of the case, with the exception of murdering Mr. Landry to avoid paying a debt. He stated that he often carried a firearm, but, on the day of the offense, he felt he needed the firearm for protection since Mr. Landry's house had been broken into a week prior. Mr. Crotty claims that his behavior following the murder, including his return to the house of the victim and his attendance at Mr. Landry's funeral, was an attempt to deflect any suspicion that the authorities may have had.

Mr. Crotty had several supporters in attendance at his hearing. The Board considered testimony from three friends, a niece, and his sister, who expressed strong support for parole. A friend of the Landry family spoke in opposition to parole. Essex County Assistant District Attorney Ellen Graydon spoke in opposition to parole and submitted a letter of opposition.

III. DECISION

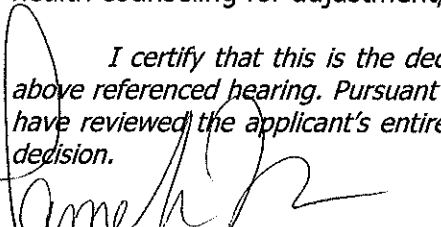
It is the opinion of the Board that Richard Crotty has demonstrated a level of rehabilitation that is compatible with the welfare of society. Mr. Crotty has completed all available programs specific to his needs over thirty years of incarceration. He has a strong support system and employment opportunities.

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 has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Crotty's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Crotty's case, the Board is of the unanimous opinion that Richard Crotty is rehabilitated and, therefore, merits parole at this time. Parole is granted to an approved home plan with special conditions, but not before 18 months in lower security.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for two weeks; Must be home between 10:00 pm and 6:00 am; ELMO - GPS monitoring; 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; No contact w/victim's family; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition.

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.


Pamela Murphy, General Counsel


Date