



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

RICHARD KELLEY

W83343

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 16, 2016

DATE OF DECISION: December 19, 2016

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 the 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 18, 2004, in Suffolk Superior Court, a jury convicted Richard Kelley of second degree murder in the stabbing death of Celestino Luciano. Mr. Kelley was sentenced to life in prison with the possibility of parole.

On September 6, 2001, Richard Kelley went to the Chelsea police station and told officers that he had killed an unidentified man in Boston on the previous Saturday. Investigators subsequently located and identified the body of Celestino Luciano, who had been stabbed 12 times in the chest and abdomen. Mr. Kelley told officers that he went to Mr. Luciano's apartment on the evening of the murder, after meeting him in a bar for the first time. Mr. Kelley had been drinking earlier in the night and had continued to drink inside Mr. Luciano's apartment. At some point, Mr. Luciano attempted to kiss him. When Mr. Kelley refused his advances, Mr. Luciano retrieved a knife from the kitchen and threatened to commit suicide.

According to Mr. Kelley, he then grabbed the knife from Mr. Luciano and stabbed him seven or eight times. Mr. Kelley was subsequently arrested and transported to Boston, where he was interviewed by detectives from the Boston Police Department. Mr. Kelley gave a similar account to detectives in Boston, but added that Mr. Luciano had blocked the door and cut his (Mr. Kelley's) hand when he attempted to leave the apartment. According to Mr. Kelley, he was in fear that Mr. Luciano would attack him with the knife and, at that point, the murder occurred. At his trial in March 2004, Mr. Kelley added further detail to his previous confessions.

II. PAROLE HEARING ON AUGUST 16, 2016

Mr. Kelley, now 42-years-old, appeared before the Parole Board on August 16, 2016, for an initial hearing. In Mr. Kelley's opening statement to the Board, he apologized to Mr. Luciano's family and acknowledged the loss they had suffered. Upon inquiry from the Board, Mr. Kelley addressed his activities in prison over the past 15 years. According to Mr. Kelley, he had attempted to take advantage of programming opportunities, but was, ultimately, unsuccessful. Mr. Kelley completed two programs and dropped out of a third program, explaining that the instructor in the third program could not control the behavior of his fellow inmates. He described himself as being averse to learning in a classroom setting and questioned whether program participation even mattered. He said that he was aware of several inmates who had involved themselves in extensive programming, but (nonetheless) were denied parole.

Mr. Kelley obtained employment in a supply room setting and told the Board that he is held in high regard by the guards at his institution. In addition to his employment, Mr. Kelley enjoys watching documentaries and reading, despite being blinded in one eye by an infection when he was younger. Mr. Kelley agreed with the Board's assessment that he was frustrated with his experiences in prison. He described himself as depressed and told the Board that he has suffered throughout his time in custody. He said that he has been on anti-depressant medication for the majority of his incarceration. He attends counseling once a month, but does not find it beneficial, as he finds the counselors to be inexperienced. However, he continues to attend these sessions in order to receive medication. During the times he has not been medicated, Mr. Kelley has experienced suicidal tendencies. When asked about a disciplinary report he received in 2006 for self-inflicted wounds, Mr. Kelley told the Board he had attempted to commit suicide.

Mr. Kelley agreed with the characterization that his disciplinary history has a pattern that directly relates to his underlying sense of frustration, as well as his tendency to become aggravated quickly. Mr. Kelley stated, however, that he has become more docile and cooperative since his incarceration began. In addressing Mr. Kelley's social history, the Board raised the issue of his childhood and the fact that he was the victim of a serious crime at a young age. The Board respects Mr. Kelley's decision not to discuss his victimization in detail and acknowledges Mr. Kelley's statement that he disclosed this experience in order to humanize himself to the Board. He told the Board that one of the most difficult aspects of prison is feeling dehumanized.

Mr. Kelley discussed the evening of the murder, having arrived in Boston earlier that day after taking a train from Gloucester. Prior to the events directly preceding Mr. Luciano's

murder, Mr. Kelley told the Board that he inadvertently bumped into the individual who had victimized him as a child. According to Mr. Kelley, this was unrelated to Mr. Luciano's murder. He was in the area of North Station, waiting for his train back to Gloucester, when he decided to go to a bar to drink. While sitting at the bar, Mr. Kelley struck up a conversation with Mr. Luciano, who was sitting next to him. Mr. Luciano invited Mr. Kelley back to his apartment. Since Mr. Kelley was under the impression there was some type of social gathering at Mr. Luciano's apartment, he was surprised to find it empty when they arrived. Both men sat on the couch and socialized. At some point, Mr. Luciano leaned over and attempted to kiss Mr. Kelley. When Mr. Kelley declined his advances, Mr. Luciano became extremely embarrassed and depressed. Mr. Luciano then retrieved a knife from the kitchen and threatened to kill himself. Mr. Kelley calmed Mr. Luciano, taking the knife away from him and placing it in the kitchen. After some period of time, Mr. Luciano retrieved the knife from the kitchen and, again, threatened to kill himself.

Mr. Kelley decided to leave the apartment. When Mr. Kelley started to walk toward the door, Mr. Luciano (with knife in hand) blocked his path. Mr. Luciano then cut Mr. Kelley on his hand, before attempting to stab him in the chest. Mr. Kelley caught Mr. Luciano's arm and ripped the knife from his hand. A struggle ensued, and Mr. Kelley stabbed Mr. Luciano once. Mr. Luciano struck Mr. Kelley a few times, before Mr. Kelley stabbed him multiple times. Mr. Kelley told the Board that he (now) realizes that he should have called the police, but that he was too frightened to do so, at the time. According to Mr. Kelley, he still cannot believe what he did.

When asked about his family, Mr. Kelley described experiencing alienation from some members of his family. Mr. Kelley, however, grew emotional when he told the Board that both his mother and brother have been amazing sources of support to him. Mr. Kelley wants to be released from prison, so that he will no longer be a burden to his family.

The Board considered oral testimony from Mr. Kelley's mother, father and brother, all of whom expressed support for parole. The Board also considered testimony from the victim's daughter, as well as Suffolk County Assistant District Attorney Charlie Bartoloni, both of whom expressed opposition to Mr. Kelley being granted parole.

III. DECISION

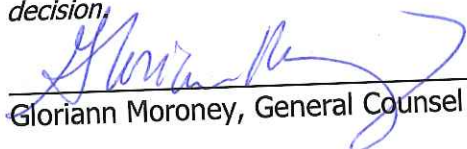
The Board is of the unanimous opinion that Mr. Kelley has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment would be beneficial to Mr. Kelley's rehabilitation.

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. Kelley'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 whether risk reduction programs could effectively minimize Mr. Kelley's risk of recidivism. After applying

this standard to the circumstances of Mr. Kelley's case, the Board is of the opinion that Mr. Kelley is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Kelley's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board believes that Mr. Kelley needs to engage in treatment and programming that addresses his causative failures. The Board is of the opinion that Mr. Kelley has squandered the past 15 years of his incarceration and encourages him to start the process of working toward 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

12/19/16
Date