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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

RICHARD MAYES

W40068

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 7, 2014

DATE OF DECISION: September 22, 2014

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lucy Soto-Abbe, Josh Wall

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 2, 1983, after a jury trial in Berkshire Superior Court, Richard Mayes was convicted of second degree murder and sentenced to life in prison. Mayes, then age 36, murdered his son, who was two years old.

On May 27 and 28, 1983, Mayes beat his son Lawrence Jackson Ritchon (Onaje) using a split plastic bat, his open hands, and closed fists, just days before the child's third birthday. Onaje died four days later on May 31, 1983, having suffered fatal brain hemorrhaging from multiple blows to his skull. At the time of the medical examination, Onaje's body was covered with numerous bruises to the chest, stomach, back and legs.

At the time of the murder, Mayes lived in an apartment in Pittsfield with his four children and two girlfriends, one of whom was Euna Ritchon (Ritchon), Onaje's mother. Ritchon had two children with Mayes, a 16-month-old girl and the victim. The other girlfriend, Lynn Jackson

(Jackson), had two boys with Mayes, ages four and five, and had delivered a third child just two days prior to the murder. Ritchon and her children had recently moved in with Mayes while Jackson was in the hospital. Jackson was still at the hospital with her newborn, and Mayes and Ritchon were at home with the children when the beating occurred.

Mayes hit Onaje in the head, chest and stomach with a split plastic bat and his hands. He delivered slaps and punches. Ms. Ritchon and the other children were in the living room and heard the beating.

After beating the child, Mr. Mayes took him to the bathroom, removed his bloodied clothes and attempted to clean the blood from them in soap and bleach. Mayes then put the child back into bed. The next morning, Mayes went to get Onaje and found him lying on the bed "asleep" with a clear wet spot on the bed. Mayes got Onaje out of bed and into the bathroom where Onaje vomited and went limp.

Mayes called to Ritchon for help and the two began to perform CPR on Onaje. He was not responding and Mayes left the apartment and drove to get his cousin, Jeffrey Williamson. They returned to the apartment, and Mayes told Williamson to drive Ritchon and Onaje to the hospital. Onaje was not breathing nor did he have a pulse when he arrived at the hospital. Mayes remained behind, smoked a cigarette, told the remaining children to stay in their beds, and then went to hide in the attic.

After interviewing Ritchon at the hospital, police went to the apartment and found the three remaining children awake lying in their beds. The children stated that Mayes was the man who hit Onaje with the whiffle ball bat. Police interviewed other witnesses, including a neighbor who overheard the beating. While interviewed at the police station, Mayes confessed to the beating of Onaje and further disclosed that he has been hitting the children for the last two years, which included at least one severe incident when he knocked out the three front teeth of his son he had with Jackson about eighteen months prior to the fatal beating he gave to Onaje.

II. CRIMINAL & INSTITUTIONAL HISTORY

Before the fatal beating, Mayes had several Massachusetts convictions for motor vehicle related offenses, including operating without authority, operating to endanger, and leaving the scene after causing property damage. He also had convictions for receiving stolen property, possession of ammunition, and larceny. Additionally, Mayes has a conviction for receiving stolen property in New York from 1973. He also has convictions resulting in incarceration in Connecticut which included second degree robbery, larceny by false pretenses, possession of stolen motor vehicle, and second degree forgery.

While incarcerated on his life sentence, Mayes incurred 17 disciplinary reports over the course of 30 years, the last being in March, 2013 for possession of an altered appliance. He completed the Correctional Recovery Academy (CRA) program in 2009, but otherwise has not had any rehabilitative programming. Mayes has held several institutional jobs during this incarceration, including working in the industries warehouse, electronics shop, maintenance shop, kitchen, and his present job as a houseman.

III. PAROLE HEARING ON JANUARY 7, 2014

Mayes was last denied parole by the Board on February 17, 2009. In denying parole, the Board noted that Mayes "lacked insight into his offense," gave "inconsistent versions of the offense each time he has appeared before the board, and "has had minimal programming."

Mayes had no supporters at the January 7, 2014 hearing. Mayes said he completed the CRA program, which included components to address violence, and that he therefore feels it unnecessary to engage in additional programming to address the same issues that were "covered" by the CRA. He added that he has not had any substance abuse infractions in 17 years, and that drugs are not a priority in his life at present.

Mayes described the governing offense. He was outside working on his vehicle, and took a break and went inside. Onaje's mother (Ritchon) told him that Onaje was being difficult because he was not getting dressed to come to the dinner table. Mayes went to Onaje and asked him why he wasn't listening to his mother's request that he get dressed. He gave Onaje clothes to put on. While Onaje was bending over tying his shoes, Mayes noticed that Onaje's pants were unzipped and told Onaje to zip up his pants. Mayes said he was so frustrated with the domestic discord that he let the fact that Onaje did not want to zip up his pants get to him.

Mayes said he had already zipped up Onaje's pants, but unzipped it again because he wanted Onaje to do it. When Onaje failed to zip up his pants, Mayes began hitting Onaje with a plastic bat. He then put the bat down and began hitting Onaje with his open hand, and then his fists. He said he hit Onaje "way too many" times. Onaje cried for him to stop, and he stopped, zipped up Onaje's pants, and had him go to his mother.

According to Mayes, he decided to keep an eye on Onaje overnight, and told Onaje's mother to do so as well, out of concern for Onaje. When Onaje got up the next morning, Mayes noticed a wet spot on the bed and floor. According to Mayes, he then yelled at Onaje, who got scared, ran, tripped over the mattress, hit his head against the wall, and fell down. Mayes attributes Onaje's injuries to the trip and fall.

Mayes went to pick up Onaje, and Onaje collapsed. Mayes said he then called for Onaje's mother, and "she looked at me, and she was confused as I was." He said "we both decided to try CPR because "we really did not know what had happened." Onaje's breathing got weaker, so he decided to go to his aunt's house and get his cousin Jeffrey Williamson to come over and watch the children, while he and Onaje's mother took Onaje to the hospital. Mayes said Williamson managed to get his Mayes' car started, so he told Williamson to go along to the hospital in his place, while he stay at home to watch the remaining children.

Rather than go the hospital, Mayes said he decided to stay home because he was a heavy marijuana smoker at the time, and he wanted to hide drugs in the attic. He claims the police arrived while he was in the attic hiding the drugs, so he hid from them when they came up. While hiding in the attic, his friend Ernie came up to the attic "with a [marijuana] joint" and they both smoked it while the police were still in the apartment. He claims Ernie thereafter went down and told the police he was in the attic.

When questioned about his poor judgment as displayed from his story, Mayes said he "wasn't thinking right," because he had been under the influence of marijuana, and it effected his thinking. When questioned about his unconventional lifestyle of living with both mothers of his children, Mayes replied that he owned a barbershop and a restaurant that was operated out of his cousin's nightclub, and both women worked with him. He said he had gotten into an argument with Ritchon at the time because she did not want Jackson, the other mother, to return from the hospital to live with them. He felt Ritchon was being unreasonable because it was Jackson's apartment, and she had allowed Ritchon to live there with his other children.

Mayes denied ever hitting his children before the governing incident. He said he would hit the children's mothers on occasion, but never the children. He claims he never even yelled at his children, saying he would just talk to them if anything happened.

When the Board confronted him with the fact that he told police that he hit his children on prior occasions, including an admission that he knocked out three front teeth of one of his other children, Mayes' response was that he was confused by being questioned by two police officers at the same time.

When confronted with his admission at trial that he had been physically disciplining his children for two years before killing Onaje, Mayes said he maintained his initial "false," and more incriminating, story on the advice of his counsel, contending his lawyer told him not to deviate from his statements to the police or the jury would be perceive him as a liar.

When confronted with statements from a neighboring witness, who told the police he had heard Mayes hitting and yelling at the children prior to the murder, Mayes denied it, and responded that this neighbor was beating his own girlfriend and doing drugs when he claimed it happened. When asked how he has rehabilitated himself during this prison commitment, Mayes reluctantly replied, "I guess I really haven't."

IV. DECISION

From Richard Mayes' presentation, it is apparent that he has not made any noticeable progress since last seeing the Board in 2009. Since completing CRA, Mayes has completed no other programming. Moreover, his account of the murder and surrounding circumstances continues to change. At this hearing, Mayes denies ever abusing his children, and claims he was under the influence of marijuana, and confused by police questioning when he made statements to the contrary.

Mayes initially gave a very incriminating account to the police, but has been distancing himself from that statement ever since. When confronted with incriminating statements from his neighbor, Mayes chose to disparage the neighbor. The neighbor, however, was not the only witness to have reported that Mayes beat women and his children. In addition, a police investigative report indicates that another acquaintance of this "family" was aware of specific incidents of Mayes hitting the children and their mothers. In short, it appears that over the past 30 years, Mayes has regressed away from acceptance of responsibility for this crime rather than progressed towards rehabilitation.

It is troubling that Mayes has not engaged in rehabilitative programming since he was advised to do so by the Board in 2009. Aside from completing the CRA program, which he had begun when he last saw the Board, he has done little else to rehabilitate himself. While his conduct has improved, having committed two relatively minor infractions since his last hearing, that is not enough to justify release on parole. Mayes must engage in programming to obtain greater insight into his behavior and his risk factors to be able to make a case for parole that is more compelling than the length of his incarceration.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Mr. Mayes does not merit parole at this time. The review will be in five years from the date of this hearing, during which time he should invest in rehabilitative programming to address issues of anger, violence, substance abuse, lack of empathy, and lack of candor.

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.


Janis DiLoreto Smith, General Counsel


Date