

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ROBERT CLIFFORD
W27710

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **July 25, 2023**

DATE OF DECISION: **November 9, 2023**

PARTICIPATING BOARD MEMBERS: Tina M. Hurley, Dr. Charlene-Bonner, Tonomey Coleman, James Kelcourse

STATEMENT OF THE CASE: On October 27, 1959, in Hampden Superior Court, Robert Clifford pleaded guilty to three counts of murder in the second degree for the shooting deaths of Robert Clifford Sr. (age 47), Marie Clifford (age 43), and Ronald Clifford (age 14). He was sentenced to three concurrent terms of life in prison with the possibility of parole.

For several days before the murders, Robert Clifford (age 17) argued with his family about wanting to buy a car. On March 3, 1958, they argued again. While his father was out for a walk, Mr. Clifford got up off the couch, went into his mother's room, and took out a semi-automatic .22 caliber rifle that had been given to his father. He then took out a box of ammunition from the top drawer of a dresser, put 15 rounds into the gun, and shot them into his mother's head. He reloaded the gun in the kitchen and waited for his father to return. When his father entered the house, Mr. Clifford shot him in the chest. As his father fell, Mr. Clifford continued to shoot him until the gun was empty. He then reloaded the gun again. A short time later, Mr. Clifford saw the school bus approaching, and then saw his brother walking toward the house. He asked his brother how much time his brother would give him to get away. The brother saw their father's body lying on the floor and turned to leave through the door. Mr. Clifford then shot his brother in the right side and, when he fell to the floor, shot him in the temple. After the murders, Mr. Clifford fled to Los Angeles, and then to Chicago, where he turned himself in to police approximately one year later.

PAROLE HEARING: Robert Clifford appeared before the Board for a review hearing on July 25, 2023. He was represented by Attorney Richard Goldman. Mr. Clifford was originally eligible for parole in 1974. He received positive votes in 1974 and 1983. Both times, he was returned to custody following parole violations. Parole was later denied following several review hearings that took place between 1985 and 2008. Mr. Clifford waived his scheduled review hearings in 2013 and 2018. The entire video recording of Mr. Clifford's July 25, 2023 hearing is fully incorporated by reference into the Board's decision.

DECISION OF THE BOARD: 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.

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 this inmate is a suitable candidate for parole at this time. Parole is granted to Mission Care, a rest home that can meet his needs, or assisted living.


In forming this opinion, the Board has taken into consideration Mr. Clifford'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. Clifford's risk of recidivism. After applying this standard to the circumstances of Mr. Clifford's case, the Board is of the unanimous opinion that Mr. Clifford is rehabilitated and, therefore, merits parole at this time, subject to special conditions.

Mr. Clifford was 17 years old at the time of the offense. The crimes were committed 65 years ago. Mr. Clifford has been re-incarcerated since 1984, following his second parole violation. He committed his offenses in 1958. He has been re-incarcerated for 39 years. Mr. Clifford has demonstrated a positive institutional adjustment, receiving only 3 disciplinary reports. Mr. Clifford invested in education and occupational programs; however, he remained resistant to other rehabilitation programs recommended by the Board. Mr. Clifford is now 82 years old and suffers from many medical issues that were considered by the Board. As noted, Mr. Clifford was 17 years old at the time of the offense, thus his age was also considered by the Board. It is also noted by

the Board that subject was diagnosed with significant mental health issues following the offenses. However, his most recent evaluation conducted by forensic psychologist Katherine Herzog on 7/18/2023 notes that he does not currently suffer from any major mental health disorder. The Board considered her evaluation and recommendations, as well as the re-entry plan provided by Elizabeth Crisman, both of whom testified at the hearing. The Board also considered opposition testimony by Assistant District Attorney Julian from Hampden County. Mr. Clifford will benefit from a residential facility that can meet his medical needs.

Special Conditions: Curfew: Must be at home between 10pm & 6am, or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; 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; Must have mental health evaluation and follow recommendations; Residential program – Mission Care, rest home, assisted living; Mandatory sign medical releases.

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.


Tina M. Hurley, Chair

11/09/2023

Date