

**Maura T. Healey**  
*Governor*

**Kimberley Driscoll**  
*Lieutenant Governor*

**Terrence M. Reidy**  
*Secretary*

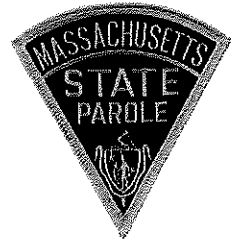
*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

*Telephone: (508)-650-4500*

*Facsimile: (508)-650-4599*



**Tina M. Hurley**  
*Chair*

**Daniel Nakamoto**  
*Acting Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**WILLIAM BERRY**  
**W31887**

**TYPE OF HEARING:**            **Review Hearing**

**DATE OF HEARING:**        **June 8, 2023**

**DATE OF DECISION:**       **November 7, 2023**

**PARTICIPATING BOARD MEMBERS:** Tina M. Hurley, Dr. Charlene Bonner,<sup>1</sup> Tonomey Coleman, James Kelcourse, Colette Santa<sup>2</sup>

**STATEMENT OF THE CASE:** On October 5, 1968, after a jury trial in Middlesex Superior Court had commenced, William Berry pleaded guilty to the second-degree murder of Linda Marshall and was sentenced to life in prison with the possibility of parole.

On November 13, 1968, William Berry was convicted in Middlesex Superior Court of several charges involving an unrelated offense, including armed burglary. He was sentenced to 12-15 years to be served from and after his life sentence. On that same date, he pleaded guilty to assault and battery with a dangerous weapon and assault with intent to rape and sentenced concurrently with his sentence for armed burglary. On January 17, 1969, in Middlesex Superior Court, Mr. Berry pleaded guilty to rape, breaking and entering with intent to commit a felony, and two counts of armed burglary. He received three concurrent 10-12 year sentences. On that same date, Mr. Berry pleaded guilty to unnatural acts and was given a 2½-5 year concurrent sentence.

On March 25, 1968, William Berry entered the home of 25-year-old Linda Marshall through a bedroom window while she was out. Mr. Berry looked through her home and hid in her bedroom closet, awaiting her return. When Ms. Marshall returned, Mr. Berry attacked her by stabbing her once in the thigh (puncturing her femoral artery) and once in the left side of her

<sup>1</sup> Board Member Bonner was not present for the hearing, but reviewed the record prior to the vote.

<sup>2</sup> Board Member Santa was present for the hearing, but was no longer a Board Member at the time of the vote.

chest (puncturing the pericardial sack). After stabbing Ms. Marshall, Mr. Berry fled the apartment and threw the knife in a nearby tree. Ms. Marshall died shortly after the attack.

**PAROLE HEARING:** Mr. Berry appeared before the Board on June 8, 2023, for a review hearing. He was represented by Attorney John Swomley. Mr. Berry was denied parole after his initial hearing in 1989, and after review hearings in 1992, 1995, 1999, 2004, 2010, 2015, and 2021. The entire video recording of Mr. Berry's June 8, 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.

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 reserve to the Mission Care, but not before District Attorney clearance.

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

Subject is 78-years-old and has served 55 years. He has been sober since the mid-90s. He has significant health and cognitive issues. Due to cognitive limitations, he is unable to now complete additional programming. He maintained employment and completed the Jericho program. He received services at the Massachusetts Treatment Center for 29 years, while civilly committed. He has had no disciplinary reports in the last 7 years. The Board considered the expert opinion of Dr. Carol Ball. The Board also considered opposition testimony from Assistant District Attorney Walsh.

**Special Conditions:** Parole reserve to Mission Care; District Attorney clearance required; Waive work for disability/retired; Curfew - must be at home between 10PM & 6AM; Electronic monitoring; Must take prescribed medication, if prescribed; 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 with victim's family; No contact with victim(s); Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for transitional purposes; Residential Program – Mission Care; Mandatory Sex A Conditions - should be screened for ability to comply.

*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

11/07/2023

Date