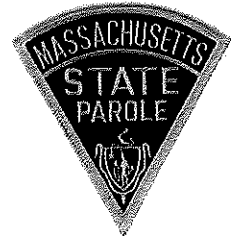


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

WILLIAM DUCLOS

W48807

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 30, 2019

DATE OF DECISION: April 23, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa

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 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 July 26, 1990, in Worcester Superior Court, William Duclos pleaded guilty to two counts of second-degree murder in the death of his parents, 52-year-old Emile Duclos and 51-year-old Anna Duclos. He received two concurrent life sentences with the possibility of parole. Mr. Duclos later filed a motion to withdraw his guilty plea, which was denied. The denial of this motion was upheld on appeal, and the Massachusetts Supreme Judicial Court denied further appellate review.¹

Additionally, on June 22, 1994, in Norfolk Superior Court, William Duclos pleaded guilty to conspiracy to commit murder. The intended victim was John Smith, his co-defendant in the murder of his parents. He was sentenced to 1 year to 1 year and 1 day to run from and after his concurrent life sentences.

¹ *Commonwealth v. Duclos*, 61 Mass. App. Ct. 1115 (2004), *Commonwealth v. Duclos*, 442 Mass. 1107 (2004).

Mr. Duclos lived with his parents in Winchendon and started a business on the family property. He frequently employed his co-defendant John Smith to do carpentry work and various odd jobs. Both Mr. Duclos and Mr. Smith were on bad terms with Mr. Duclos' mother Anna. Several weeks before the murder, a dispute arose between Mr. Duclos and his mother regarding the proceeds of an insurance policy. Relations between them consequently worsened. On the morning of May 22, 1989, Mr. Duclos (age 19) and Mr. Smith (age 18) agreed on a plan to kill Mr. Duclos' parents and make it look like a robbery. Later that night, Mr. Duclos and Mr. Smith used two rifles from the family gun cabinet and shot both Anna and Emile Duclos in their bedroom. Both parents died from multiple gunshot wounds. After, Mr. Duclos conspired with Mr. Smith to dispose of the rifles at a local pond and fabricate an alibi. After failing to convince the police of his story, Mr. Duclos confessed to the crime. He later agreed to plead guilty to second degree murder and to testify against Mr. Smith in Mr. Smith's first degree murder trial.²

Between April and May 1992, while incarcerated at MCI-Norfolk, Mr. Duclos solicited an undercover state trooper to murder Mr. Smith and make it appear as a suicide. As part of the conspiracy to murder scheme, Mr. Duclos had created three suicide notes in Mr. Smith's name. In one note, addressed to Mr. Smith's mother, Mr. Duclos had Mr. Smith admit to being solely responsible for the murders due to a sexual assault by Mr. Emile Duclos. In another note, addressed to Mr. Duclos, Mr. Duclos had Mr. Smith apologize for "spiking" Mr. Duclos' beer with an undisclosed substance prior to the murder and claiming he could not live with what Emile Duclos had done to him. In the third note, addressed to "To Whom It May Concern," Mr. Duclos had Mr. Smith proclaim that he (Mr. Smith) killed Mr. Duclos' parents because Emile Duclos had sexually assaulted him in a barn. That note also claimed Mr. Duclos did not know what happened, as he (Mr. Smith) had put something in Mr. Duclos' drink.

II. PAROLE HEARING ON MAY 30, 2019

William Duclos, now 50-years-old, appeared before the Parole Board on May 30, 2019, for a review hearing. Mr. Duclos was denied parole at his 2004 initial hearing and at his review hearings in 2009 and 2014. He was represented by student attorneys from the Harvard Prison Legal Assistance Project. In his opening statement to the Board, Mr. Duclos apologized to his brother for the "wreckage" his crime caused their family. He explained that at the time of the murders, he was a "selfish kid" who felt he was "trapped" in the home he shared with his parents. He stated that although he had never considered harming his parents, he had previously attempted to leave home. Mr. Duclos further stated that the crime was Mr. Smith's idea, but that he agreed to the plan because he was angry with his mother.

The Board noted that Mr. Duclos and Mr. Smith developed a complicated plan to make the murders appear as part of a burglary. The Board pressed Mr. Duclos to explain how he did not shoot either of his parents, despite the fact that two different guns were used in the murders. Mr. Duclos maintained that he had originally planned to participate in the shootings, but that he froze when Mr. Smith began to fire his weapon. When Mr. Smith was done firing the first weapon, Mr. Smith took the second weapon from him and continued to fire. Mr. Duclos admitted, however, that he participated in staging the home to appear as if it has been ransacked. He further

² John Smith was initially convicted of first degree murder, but had his conviction reversed on appeal based on a violation of that defendant's *Miranda* rights on state constitutional grounds. *Commonwealth v. John Smith*, 412 Mass. 823 (1992). He was released on May 12, 2000 after serving an 18-20 year sentence for manslaughter.

admitted that both he and Mr. Smith placed mud on his truck to corroborate their intended alibi that they were "four-wheeling" at the time of the murders. He agreed with the Board that he repeatedly lied to police and family members about his involvement in the crime.

The Board raised concerns with Mr. Duclos' behavior since his incarceration, namely his attempt to arrange the murder of Mr. Smith. Mr. Duclos claimed that this plan was motivated by Mr. Smith's refusal to partake in his establishment of a fraudulent foundation to support child victims of sexual abuse. Mr. Duclos admitted that he lied about being a victim of sexual abuse in order to garner sympathy, in the hope it could lead to his release from prison. He also acknowledged that he had manipulated his grandmother into giving him money to pay the hitman (an undercover state trooper) to kill Mr. Smith.

Mr. Duclos told the Board that, in 2016, he decided to stop his manipulative behavior when a probate lawsuit he had filed against his brother resolved. Mr. Duclos has not been enrolled in any programming at the time of this hearing, but told the Board that his past programming efforts taught him "non-violence as a way of life." Mr. Duclos also stated that he "stops in" to AA/NA, and that he attends religious services. When Board Members questioned him as to any further rehabilitative efforts, Mr. Duclos replied that he would continue to work on anger issues and how to "operate out of love, instead of fear."

Mr. Duclos' friend and probate attorney testified in support of parole. Mr. Duclos' brother testified in opposition to parole. Worcester County Assistant District Attorney Michelle King testified and submitted a letter in opposition to parole.

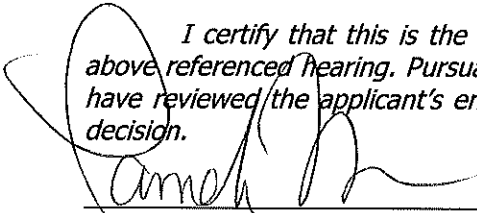
III. DECISION

The Board is of the opinion that William Duclos has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Duclos is incarcerated for the murder of his parents in 1989. While in custody, Mr. Duclos conspired to have his co-defendant murdered. His presentment was troubling and self-serving. Mr. Duclos needs to engage in treatment and programming to address his causative factors.

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. Duclos' 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. Duclos' risk of recidivism. After applying this standard to the circumstances of Mr. Duclos' case, the Board is of the unanimous opinion that William Duclos is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Duclos' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages him to continue working towards 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.


Pamela Murphy, General Counsel

4/23/2020
Date