



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

WILLIAM MALLOY
W46425

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 8, 2021

DATE OF DECISION: April 20, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 3, 1989, in Middlesex Superior Court, William Malloy pleaded guilty to two counts of second-degree murder in the deaths of Linda Jones and Carole Ann Martin. He was sentenced to two concurrent sentences of life in prison with the possibility of parole. On that same day, Mr. Malloy was convicted of arson, as well as five counts of assault and battery by means of a dangerous weapon. He was sentenced to 10-20 years for the arson conviction and 7-10 years for the assault and battery by means of a dangerous weapon conviction, both sentences to be served concurrently with his life sentences.

On May 15, 1988, William Malloy entered and set fire to a two-family home on Rossmore Street in Somerville. Carole Ann Martin, her two adult children, and her two grandchildren resided on one floor of the residence. Linda Jones, a family friend, was staying with Ms. Jones on the night of the fire. While Ms. Martin's children and grandchildren were able to escape the fire with the assistance of rescue personnel, Ms. Martin and Ms. Jones perished in the blaze. Members of the fire department were able to rescue the sole resident of the top

floor, a 70-year-old woman. The individuals who had escaped were treated for injuries sustained in the fire.

Mr. Malloy had been observed in the area prior to the fire. While the fire was burning, Mr. Malloy entered the Somerville Police Department to disavow his involvement in the crime. After arson investigators determined that the fire had been intentionally set, officers again interviewed Mr. Malloy. During the interview, Mr. Malloy confessed to setting the fire with his lighter and to using circulars for kindling. He was subsequently arrested.

II. PAROLE HEARING ON JULY 8, 2021

William Malloy, now 60-years-old, appeared before the Parole Board on July 8, 2021, for a review hearing. He was represented by Attorney Ron Ranta. Mr. Malloy was denied parole after his initial hearing in 2003, and after his review hearing in 2008. His 2013, 2016, and 2020 hearings were postponed at his request. When the Board questioned him as to the governing offense, Mr. Malloy admitted to lighting the residence on fire with a lighter that he carried with him. Although he reported feeling remorseful for his conduct, Mr. Malloy claimed that he started the fire because he was angry with his father for the abuse he suffered as a child. He was "crying out for help" when he set the fire. During the hearing, Mr. Malloy apologized for his actions and, upon further questioning, admitted that he set, at least, three to four fires in the past when he was under the influence of alcohol or drugs. He set his first fire at age 24, also as a result of his anger towards his father. Although Mr. Malloy reported that his decision to light fires was generally an impulsive one, he could not conclusively promise the Board that his urge to set fires has completely diminished. He stated, however, that he has not had the impulse to burn anything in many years.

Mr. Malloy stated that his participation in programming efforts includes Toastmasters, Alternatives to Violence, Substance Abuse, and Violence Reduction. He reported to the Board that he is waitlisted for Criminal Thinking, Health Awareness, and the General Maintenance Program. He also participated in the Gardening Program and worked with a biohazard cleanup crew. When questioned by a Board Member as to his lack of participation in anger management or victim empathy programs, Mr. Malloy (after first suggesting that he had completed enough programming) acknowledged that he may benefit from anger management classes. He also admitted that his institutional adjustment has been problematic, as evidenced by over 150 disciplinary reports, many of which involve assaultive conduct on correctional staff. His adjustment has improved significantly in recent years, however. Mr. Malloy stated that his prescribed medications, with which he is compliant, have assisted him in curbing his impulsivity and desire to lash out. Mr. Malloy informed the Board that his last disciplinary report in 2018 was a result of defending himself in a fight.

Upon Board Member questioning, Mr. Malloy reported that he has been sober for 28 years, and that he last used alcohol in 1992. He reported that substance use often landed him "in trouble," so he made a conscious decision to discontinue its use. Mr. Malloy stated that he meets with his clinician at regular intervals and is compliant with his medication. When questioned about his potential parole plan, Mr. Malloy acknowledged that he may face certain challenges due to his struggles with transition.

The Board considered testimony in opposition of Middlesex County Assistant District Attorney Alicia Walsh, and a letter in opposition to parole from Middlesex County Assistant District Attorney Adrienne Lynch.

III. DECISION

The Board is of the opinion that Mr. Malloy has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. At age 27, Mr. Malloy set fire to a two-family home, killing two occupants, 50-year-old Carole Ann Martin and 26-year-old Linda Jones. Although his behavior has improved in recent years, his overall institutional adjustment has been poor as evidenced by approximately 167 disciplinary reports. Mr. Malloy indicated he is on the waitlist for several programs, such as Criminal Thinking. He graduated from the RTU and indicated that he is currently stabilized on his current medication, which apparently has improved his adjustment. Board requests evaluation concerning current level of functioning, mental health, cognitive and daily needs. Mr. Malloy's prior evaluation was conducted in 1988.

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

Mr. Malloy's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Malloy to continue 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.

Pamela Murphy P.A. SMB
Pamela Murphy, General Counsel

4/20/22
Date