



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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IN THE MATTER OF

WILLIAM MCDERMOTT

W39101

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 31, 2018

DATE OF DECISION: April 5, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

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 the 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 1, 1982, after a jury trial in Norfolk Superior Court, William McDermott was convicted of the first-degree murder of 38-year-old Robert Kemp and sentenced to life in prison without the possibility of parole. On appeal, the Supreme Judicial Court ordered the verdict reduced to second-degree murder.¹ Mr. McDermott unsuccessfully appealed his conviction.²

Sometime around November 20, 1981, William McDermott (age 17) shot and killed Robert Kemp, manager of the Cohasset Golf Club. Mr. McDermott had worked for Mr. Kemp. On November 21, 1981, the head cook at the Cohasset Golf Club called police after he found blood on the kitchen floor and a gun outside the clubhouse. After a brief search, Mr. Kemp's partially buried body was found in a ditch near the 18th hole of the golf course. He had been

¹ *Commonwealth v. McDermott*, 393 Mass. 451 (1984)

² *Commonwealth v. McDermott*, 446 Mass. 1104 (2006)

shot 11 times, and his wedding ring, wallet, and several other rings were missing. When police located Mr. Kemp's missing car, they found Mr. McDermott's fingerprints on it. After the murder, Mr. McDermott fled to his sister's house in Pennsylvania, where he was arrested and returned to Massachusetts.

II. PAROLE HEARING ON JULY 31, 2018

On July 31, 2018, William McDermott, now 54-years-old, appeared before the Parole Board for a review hearing. He was represented by Attorney Brian Murphy. Mr. McDermott was denied parole after his initial hearing in 1996. Parole was denied again at review hearings in 2002, 2007, and 2012. Mr. McDermott postponed his 2017 review hearing. In his opening statement to the Board, Mr. McDermott apologized to Mr. Kemp's family and friends. When Board Members questioned him about his childhood, Mr. McDermott reported that his father would emotionally and physically abuse him and his siblings. As a teen, he drank alcohol and used marijuana, cocaine, and mescaline. Mr. McDermott reported dropping out of high school when he was 16, after moving to Marshfield from Mississippi. Having become addicted to alcohol and cocaine, Mr. McDermott said that he was stealing increasingly large amounts of money from his father and from the golf club where he worked.

When Board Members asked Mr. McDermott to recount the crime, he stated that his motive was robbery. He admitted that he had lied at trial, and in past hearings, about the victim trying to rape him. Mr. McDermott described how he went to work that day at the Cohasset Golf Club and his manager, Mr. Kemp, told him to go upstairs and clean the bathroom. He said that he went upstairs, and then back downstairs to rifle through Mr. Kemp's office looking for money. After he stole Mr. Kemp's .22 revolver and bullets from a desk drawer, Mr. McDermott went back upstairs, loaded the gun, and decided to shoot Mr. Kemp. Mr. McDermott claimed that Mr. Kemp followed him upstairs and then back downstairs into the kitchen. He confessed to shooting Mr. Kemp nine times as he came through the kitchen door. Mr. McDermott reloaded the gun and shot him twice more. When the Board questioned him as to why he shot Mr. Kemp so many times, Mr. McDermott claimed that he did not know much about guns, including how many shots it would take to kill Mr. Kemp. He also thought that he may have been transferring hatred for his father onto Mr. Kemp.

The Board discussed Mr. McDermott's institutional adjustment, noting that he has not had a disciplinary report since 2013. It was also noted that Mr. McDermott had to transfer prisons due to enemy issues. In addition, Board Members were concerned about Mr. McDermott's sporadic attendance at Alcoholics Anonymous meetings. Board Members questioned Mr. McDermott as to why it appears he has not attended many rehabilitative programs since his last hearing. Mr. McDermott explained that he was working overtime at the optical shop, and that work conflicted with the meetings. Mr. McDermott claimed that, in the past, he attended meetings more regularly. He also said that since his incarceration, he obtained his G.E.D. and completed Correctional Recovery Academy and Alternatives to Violence courses.

Mr. McDermott asked the Board for a step down to a lower security facility for a year, followed by release to a long term residential treatment program and then to a sober house. He prefers to stay in Massachusetts, but speculated that conflict with his support network could

cause him to re-offend. He surmised that he would be better off not having a lot of friends and family on the outside.

Dr. Robert Joss submitted a psychological evaluation, which indicated that Mr. McDermott exhibited heightened levels of paranoia that may have contributed to his criminal acts, disciplinary reports, and lack of community support. Mr. Kemp's son and daughter testified in opposition to parole. Norfolk County Assistant District Attorney Marguerite Grant testified in opposition to parole and sent a letter of opposition to the Board.

III. DECISION

The Board is of the opinion that Mr. McDermott has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board remains concerned as to Mr. McDermott's motive to murder the victim. For decades, he perpetuated lies and defamed the victim. Additionally, he is not currently attending substance abuse programming.

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 the 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 in Mr. McDermott's case 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 20-40. The Board has also considered Dr. Joss's evaluation, a risk and needs evaluation, and whether risk reduction programs could effectively minimize Mr. McDermott's risk of recidivism. Additionally, the Board considered Mr. McDermott's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. After applying this standard to the circumstances of Mr. McDermott's case, the Board is of the opinion that William McDermott is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. McDermott's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. McDermott 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.



Shara Benedetti, Acting General Counsel

4/5/19
Date