



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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RECORD OF DECISION

IN THE MATTER OF

WILLIAM MCDERMOTT
W39101

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **July 18, 2023**

DATE OF DECISION: **November 8, 2023**

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

STATEMENT OF THE CASE: On July 1, 1982, following a jury trial in Norfolk Superior Court, William McDermott was convicted of first-degree murder in the death 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 filed a motion for a new trial, the denial of which was affirmed on appeal.² Mr. McDermott later filed another motion for a new trial, the appeal of which is currently pending.³

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 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.

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

² *Commonwealth v. William F. McDermott*, 65 Mass.App.Ct. 1112 (2006); *Commonwealth v. William F. McDermott*, 446 Mass. 1104 (2006).

³ SJC -13394

PAROLE HEARING: Mr. McDermott appeared before the Board on July 18, 2023 for a review hearing. He was represented by Attorney Matthew Koes. Parole was denied after his initial hearing in 1996 and after review hearings in 2002, 2007, 2012, and 2018. The entire video recording of Mr. McDermott's July 18, 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 unanimously conclude that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review scheduled in three years from the date of the hearing.⁴

In forming this opinion, the Board has taken into consideration Mr. McDermott'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. McDermott's risk of recidivism. After applying this standard to the circumstances of Mr. McDermott's case, the Board is of the opinion that Mr. McDermott is not yet rehabilitated and, therefore, does not merit parole at this time.

The Board is of the opinion that Mr. McDermott has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Since his last hearing, subject has engaged in substance abuse programs by attending NA/AA meetings and had no disciplinary reports. However, subject continues to provide multiple inconsistent versions of the underlying circumstances. In his 2020 motion for new trial, subject argues the killing was in self-defense, despite testifying in 2018, that he had lied at his trial and the 2018 version was the correct version. Subject acknowledged he had harmed the victim's family by testifying at trial that the victim was sexually assaulting him, but yet has not demonstrated empathy for the victim's family by continually presenting different versions of the murder. At this hearing, subject now opined that a fall from a seawall weeks before the murder prompted the homicidal behavior. The

⁴ One Board Member voted to deny parole with a two-year review.

Board notes that credibility before the Board is an important factor in evaluating an individual's 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.



Tina M. Hurley, Chair

11/08/2023

Date