



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

WILLIAM RILEY

W64087

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 13, 2019

DATE OF DECISION: June 22, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 February 9, 1998, in Plymouth Superior Court, a jury found William Riley guilty of second-degree murder in the death of 31-year-old John Nelson. He was sentenced to life in prison with the possibility of parole. Mr. Riley appealed his conviction and filed multiple motions for new trial, all of which were denied.

On June 10, 1992, William Riley invited John Nelson to his apartment. Two boys (ages 14 and 16) lived with Mr. Riley and witnessed the events leading up to Mr. Nelson's death. At some point, Mr. Nelson asked to see Mr. Riley's gun. After unloading the gun, Mr. Riley handed it to Mr. Nelson. Mr. Nelson looked at the gun for a few minutes and handed it back to Mr. Riley. Mr. Riley then reloaded the gun in such a way that he allowed a live round into the chamber. Both boys testified that, on previous occasions, they had often watched Mr. Riley load and unload

his weapon, but never in the manner he used immediately before Mr. Nelson was shot. When Mr. Nelson again asked to see the gun, Mr. Riley showed it to him and, according to the 16-year-old boy, asked Mr. Nelson, "Are you ready?" Mr. Nelson replied, "Yeah." Mr. Riley then pointed the gun at Mr. Nelson's forehead, holding the barrel at a distance of about two to three inches. The 16-year-old boy repeatedly warned Mr. Riley, yelling loud enough that Mr. Riley could hear, that there was still one round "in there, in the chamber." Mr. Riley ignored the warning and told the 16-year-old boy to "shut up." The 14-year-old boy also knew the gun contained a live round and repeatedly informed Mr. Riley in a concerned voice. Again, Mr. Riley refused to listen, telling the boys that he knew his gun.

When Mr. Riley pulled the trigger, the boys heard a "loud bang" and Mr. Nelson dropped to the floor. After the shot, Mr. Riley washed off the gun and angrily ordered the 16-year-old boy to "tell the police department that it was an accident, [Mr. Nelson] shot himself." Mr. Riley warned the boy that he would be next, if he did not corroborate the accident story. Similarly, Mr. Riley threatened the 14-year-old boy, telling him that he and his family would be killed, if he did not tell the police that it was an accident. When police arrived at the scene, they found the gun on the kitchen stove. In his statement to the police, Mr. Riley said that after leaving his bedroom, he heard a shot and returned to find Mr. Nelson lying against the bureau with a head wound. At the station, the boys (mindful of the Mr. Riley's threats) gave separate statements, indicating that Mr. Nelson shot himself.

In the summer of 1996, Mr. Riley disclosed to a friend that he had, in fact, shot Mr. Nelson accidentally because he did not know the gun was loaded. A few months later, police reopened the investigation and interviewed Mr. Riley and the boys again. After providing a few versions of the governing offense, Mr. Riley admitted to holding the gun when it went off, killing Mr. Nelson.

II. PAROLE HEARING ON AUGUST 13, 2019

William Riley, now 50-years-old, appeared before the Parole Board on August 13, 2019, for an initial hearing. He was represented by Attorney Ron Ranta. Mr. Riley postponed his initial hearing in 2016 and 2017. In his opening statement to the Board, Mr. Riley apologized both to the victim's family and the witnesses for the pain he caused them. He admitted that he was "stupid [and] reckless, and knew better" than to be playing with a gun when he killed Mr. Nelson. Mr. Riley detailed for the Board a childhood rife with a "lot of trauma." He explained that his mother, an alcoholic, perpetrated severe physical abuse that included stabbing him and breaking his arm. He shared that his mother's friend raped him when he was 4-years-old. The Board discussed Mr. Riley's criminal history, which began as a juvenile when he was convicted of sexually assaulting his three minor foster siblings. Mr. Riley said that he was "bounced around" to different placements after this conviction and attempted suicide at 14-years-old. Mr. Riley told the Board that he believes symptoms of PTSD and anxiety began to emerge at that time. The Board raised concern that Mr. Riley was accused (but, not convicted) of additional sexual assaults on children, the commission of which he denies.

Board Members questioned Mr. Riley as to the events surrounding the governing offense. Mr. Riley said that he was living with his girlfriend and her two teenage sons at the time of the murder. His girlfriend got him a job at Bickford's restaurant, where both she and Mr. Nelson worked. A couple of days before the murder, Mr. Nelson and Mr. Riley discussed arranging a time to "hang out." In the months leading up to the murder, Mr. Riley obtained his license to

carry and purchased a firearm, which he regularly wore on his hip. Mr. Riley told the Board that he carried a gun because he frequently drove restaurant employees to the bank to make large cash deposits and needed it for protection. He practiced shooting at the gun range and, at times, was accompanied by his girlfriend's two sons. During these outings, he taught the boys about the firearm, including how it was loaded and unloaded.

On the day of the murder, Mr. Riley invited Mr. Nelson over to his home to socialize. Mr. Riley's girlfriend was not home, but her two sons were there. Mr. Riley told the Board that Mr. Nelson asked to hold and examine his firearm. Mr. Riley agreed and, after Mr. Nelson examined it, he handed it back to Mr. Riley. Mr. Riley stated that Mr. Nelson asked to see the gun again, and the same exchange took place for a second time. Mr. Riley told the Board that, when Mr. Nelson returned the gun to him again, he (Mr. Riley) unloaded the weapon. However, unbeknownst to him, he had accidentally chambered a round. Believing the gun to be unloaded, Mr. Riley pointed the gun at Mr. Nelson's head, "playing around" and "being stupid." Meanwhile, the two boys repeatedly shouted at Mr. Riley that there was a bullet in the chamber, which he ignored. Mr. Riley asked Mr. Nelson, "Hey John, you ready?" and Mr. Nelson responded, "Yeah." Mr. Riley pulled the trigger and shot Mr. Nelson in the head, killing him. Mr. Riley explained that he was in shock. At first, he tried to render medical aid to Mr. Nelson, but then he panicked and washed the gun in the bathroom. Mr. Riley admitted that he threatened to kill the boys, if they told the police what happened. He and the two boys then told police that Mr. Nelson shot himself, which authorities believed until 1996, when Mr. Riley admitted to a friend what really happened.

The Board confronted Mr. Riley with reports of coworkers, who stated that Mr. Riley had been annoyed with Mr. Nelson in the days leading up to the murder. Mr. Riley denied the accuracy of these statements. Board Members told Mr. Riley that they were troubled by the fact that, had Mr. Riley's friend not come forward, Mr. Nelson's family would not have known what happened to their loved one. Mr. Riley admitted that he had not thought about the victim's family in the four years between the murder and his arrest; rather, he had been "more concerned" about what was going to happen to him. The Board noted that Mr. Riley was arrested for other offenses during this time period. Mr. Riley denied that he ever threatened the friend who turned him in, or told the friend not to testify, as had been reported.

The Board noted that during his incarceration, Mr. Riley has participated in counseling and GED classes. He is employed and has completed Alternatives to Violence. Mr. Riley told the Board that he could "absolutely" participate in additional programming and is interested in Jericho Circle. He declined to participate in the Sex Offender Treatment Program (multiple times), in part, because he claims that his counselor said it would be "detrimental," as he has "come so far" in his treatment. Mr. Riley explained that he wants to "move forward" and does not wish to live in the past. He said that he would partake in SOTP, if it would please the Board, but claims that he does not need it. The Board noted that Mr. Riley has accrued some disciplinary reports, most recently in 2018.

Mr. Riley's friend and civil attorney testified in support of parole. Mr. Nelson's sister and brother testified in opposition to parole. Plymouth County Assistant District Attorney Richard Savignano testified in opposition to parole and submitted a letter. The Board considered additional letters both in support of, and in opposition to, parole.

III. DECISION

The Board is of the opinion that William Riley has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Riley has an extremely concerning criminal history, coupled with a poor deportment. It is the opinion of the Board that he has yet to address his causative factors. He should engage in additional treatment and programming to address his propensity for violence, as well as the Sex Offender Treatment Program.

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

Mr. Riley's 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

6/22/2020
Date