

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

WILLIAM SHIPPS

W40852

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 27, 2021

DATE OF DECISION: January 18, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of this hearing.

I. STATEMENT OF THE CASE

On October 27, 1984, after a trial by jury in Norfolk County Superior Court, William Shipps, Jr. was found guilty of two counts of first-degree murder, two counts of armed robbery, and two counts of armed assault in a dwelling. He was sentenced to life in prison without the possibility of parole for the murder of Esther King, a consecutive life sentence without the possibility of parole for the murder of John Lucey, and four additional life sentences for the armed robbery and armed assault convictions, which were ordered to be served concurrently with the life sentence he received for the murder of Esther King.

On December 24, 2013, The Supreme Judicial Court issued a decision *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013) that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that *Diatchenko* (and others

similarly situated) must be given a parole hearing. Accordingly, Mr. Shipps became eligible for parole on his life sentences.

On July 24, 1982, an elderly brother and sister were murdered in their home in Stoughton. The victims, John J. Lucey and Esther L. King, were fatally shot during an armed robbery. Earlier in the day, 16-year-old William Shipps and another juvenile went into the garage of a residence near the Shipps' family home and stole some items. The juveniles then proceeded to break into two cars nearby. Shortly thereafter, Mr. Shipps and the juvenile went into the garage of the victims' residence. According to the juvenile, Mr. Shipps returned to the victims' residence and broke in. Later in the day, a family member found Mr. Lucey's body in his bedroom and Ms. King (lying face up) in her blood-stained bed. Mr. Lucey was pronounced dead at the scene. Ms. King was taken to a local hospital, where she died shortly thereafter.

II. PAROLE HEARING ON MAY 27, 2021

William Shipps, now 56-years-old, appeared before the Parole Board on May 27, 2021, for an initial hearing and was represented by Attorney Amy Belger. This was Mr. Shipps' first appearance before the Board. He postponed his 2014 initial hearing and his 2019 review hearing. In his opening statement to the Board, Mr. Shipps apologized, taking full responsibility for the murder of Ms. King and Mr. Lucey. He described his actions as "cowardly" and explained that he was "not a good person" at the time of the governing offense. Mr. Shipps acknowledged the impact of his crime, stating, "I victimized your family in the most brutal way." Mr. Shipps assured the Board that he's grown and matured with the help of meaningful rehabilitative programming and, as such, he is no longer "that self-centered arrogant 16-year-old boy."

When Board Members noted his extensive criminal history prior to the governing offense, Mr. Shipps explained that he grew up in a "very good" and "normal" home by "outward appearances," but there were "underlying problems." Mr. Shipps told the Board he lacked guidance and that his emotional needs were not met. Mr. Shipps explained that he was never "validated" or "understood" and did not have any positive influences in his family. When asked if Mr. Shipps suffered from abuse, he indicated there was a "threat of potential physical abuse," and recalled one instance of physical abuse by his father. As such, Mr. Shipps sought validation as an adolescent through his peers and, eventually, relied more on his peers than his family. He associated with other like-minded adolescents, who "reaffirmed" each other's negative behavior. Mr. Shipps admitted that his criminal conduct escalated as he got older, but characterized his conduct as what "most children do." At the time of the governing offense, Mr. Shipps described himself as a thief, admitting that he frequently committed robberies and, likewise, sold firearms and drugs. Mr. Shipps claimed that he "took pride" in his criminal lifestyle, as it made him feel important. Moreover, he cites his need for validation as the reason for his "disturbing" thought process.

The Board discussed the details of the governing offense, noting that this is the first time Mr. Shipps has discussed his crime and accepted responsibility. When asked to describe the events leading up to the murders, Mr. Shipps explained that he and another juvenile had committed a series of robberies earlier that day. When he broke into the Lucey-King garage earlier that day and his crime went unnoticed, Mr. Shipps assumed that he could go back to the house without waking up Ms. King or Mr. Lucey. The Board noted that the evidence at trial

suggested Mr. Shipps returned to the home alone. Although Mr. Shipps acknowledged that the governing offense was his idea, he nonetheless maintained that the juvenile accompanied him to the house and was present during the crime. Additionally, Mr. Shipps implicated the juvenile as the individual responsible for Mr. Lucey's death. When asked to address the significant discrepancy between his version and the Commonwealth's version of the crime, Mr. Shipps could not provide any insight as to the lack of evidence pointing to the juvenile. Upon Board Member questioning, Mr. Shipps claimed that he had no intention of using violence, despite having a loaded firearm and gesturing (to the juvenile) that he would assault Mr. Lucey, if confronted. Mr. Shipps further maintained that, when a struggle ensued between Mr. Lucey and the juvenile, the juvenile "accidentally" shot and killed him. Mr. Shipps, however, admitted to pinning Ms. King to her bed and putting a pillow over her head. He then proceeded to shoot and kill her. After both victims were shot, Mr. Shipps admitted to "destroying" the house and stealing their items, which he later sold.

Board Members questioned Mr. Shipps as to his rehabilitative efforts, noting that his programming efforts began in 2015. Mr. Shipps cited Restorative Justice and the Youthful Offender Coalition as the most beneficial to him, as he was able to meet with victims and their families. While he described the experience as "life changing," the Board pointed out that he has not shared his story openly in a program setting, which would have demonstrated some rehabilitative progress. Mr. Shipps explained that he "wasn't ready" in the past, but plans to do so in the future. The Board also discussed Dr. Ziven's evaluation, which expressed similar concerns. In response, Mr. Shipps maintained that he has "put in a lot of work" and plans to continue "the process" in society.

The Board acknowledged Mr. Shipps' positive institutional adjustment, as he has remained disciplinary report free for approximately 22 years and has received satisfactory work evaluations. Additionally, he has taken several classes to further his education. When the Board addressed his substance abuse issues, Mr. Shipps recognized his abuse of alcohol and marijuana in the years leading up to the governing offense. He stated that he has been sober for approximately 38 years and, while he told the Board that maintaining sobriety is important to his rehabilitation, he no longer views substance abuse as an issue. Nevertheless, he participates in the Smart Recovery Program.

The Board considered testimony in support of parole from Mr. Shipps' sister, the Director of Smart Recovery, and the Program Coordinator of Community Work Services. Board Members considered testimony in opposition to parole from Ms. King's son-in-law and grandson. Norfolk Assistant District Attorney Laura Mclaughlin provided testimony in opposition to parole.

III. DECISION

The Board is of the opinion that William Shipps has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Subject has served 36 years in the Department of Correction for the murders of Esther King and John Lucey. In July of 1982, Mr. Shipps was 16-years-old when he committed the governing offense. Despite years of program participation, Mr. Shipps minimizes his overall criminal history. He attempted to normalize his delinquent and prior criminal behavior by suggesting it is common adolescent behavior. The Board considered the expert evaluation of Dr. Hilary Ziven, which indicated he is in need of deeper, rehabilitative work. She highlights that there are risks

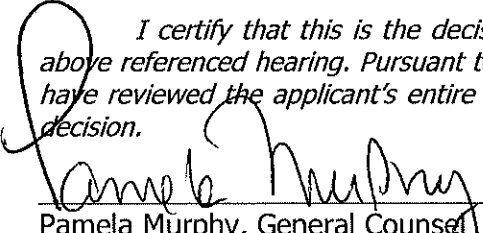
associated with his lack of empathy and unrealistic self-assessment. In addition, she opined that he presents with narcissistic traits and will require a substantial amount of therapeutic work to address his character flaws and understand the impact of his crime. The Board considered subject's family history and age at the time of the governing offense, as it relates to *Diatchenko/Miller*.

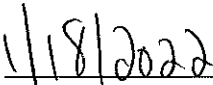
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 in Mr. Shipps' 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 20-24. In forming this opinion, the Board has taken into consideration Mr. Shipps' 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. Shipps' risk of recidivism. After applying this standard to the circumstances of Mr. Shipps' case, the Board is of the opinion that William Shipps is not suitable candidate for parole at this time.

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


Date