

Have Mercy: Public Support Tips Scales Toward Justice

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THE SITUATION:

As a young man, William Allen made a decision that cost him the next 28 years of his life. He followed a friend into the apartment of a suspected drug dealer with the intention of robbing him—but while William was in a separate room, his friend stabbed the alleged drug dealer to death.

Although his friend pled guilty to second-degree murder, William refused to follow suit and went to trial in Massachusetts. He was convicted of first-degree felony murder and sentenced to life in prison with no possibility of parole. Twenty-eight years later, and more than a decade after the man who had actually committed the murder was released on parole, William was still in prison.

During those years, William reinvented himself and dedicated his life to service, becoming a minister, barber and companion to fellow inmates who had mental health issues. And in 2017, the Supreme Court of Massachusetts narrowed the definition of first-degree felony murder: Conviction now requires active participation in a murder, or participation in a crime with the intent to commit murder. Under the new definition, William would not have received the sentence he was serving, but the Court's ruling was prospective only.

THE CHALLENGE:

Given the circumstances, William was an ideal candidate for commutation, which would replace his first-degree murder sentence with second-degree murder and make him immediately eligible for parole.

However, no first-degree murder sentence had been commuted in Massachusetts in about 25 years. The Board of Pardons had not held a commutation hearing in nearly a decade, and the current governor had never issued a commutation. William's legal team faced a steep uphill battle.

OUR OBJECTIVE:

A pro bono team sought to secure a hearing for William before the Board of Pardons, and eventually a commuted sentence and parole.

THE OUTCOME:

Two years after filing an updated petition, William's case was finally approved for a hearing before the Board of Pardons in June 2021. The board unanimously recommended commutation several months later, and in January 2022, the governor issued a commutation that was confirmed by the Governor's Council following a hearing in February. William made his case for parole before the parole board at the end of March.

The success to date has emerged from a combination of factors.

As a former federal prosecutor and governor's legal counsel, pro bono team member Bob Cordy engaged directly with the Massachusetts governor's office to get the ball rolling, making a case for moving clemency and commutation hearings off the back burner at the Board of Pardons. The governor's own guidelines outlined clemency and commutations as tools for encouraging inmates to change their lives and be productive, but without hope for a hearing, incentive was lacking.

Simultaneously, William's legal team rallied public support and sentiment for his commutation to show the governor's office that issuing a commutation would be a political opportunity—not a risk. Bob wrote an op-ed for the *Boston Globe* about William's case and clemency, which led to additional media attention. The team gathered testimonials on William's behalf from the people who knew and worked with him in prison, the local community, the New England Patriots football coaches and players, and even from the family of the murder victim. They also held a series of public rallies in front of the Massachusetts State House and on the Boston Common, along with organizing the delivery of around 1,000 letters to the governor in support of commuting William's sentence.

Their efforts paid off: At the hearing before the Board of Pardons, the district attorney appeared as a witness and openly acknowledged the justice of commuting William's sentence. Several months after receiving the Board of Pardons' recommendation for

commutation, the governor commuted the sentence, which the Governor's Council confirmed in short order. If William is released on parole, he plans to continue his life of service in his local community.

GO FURTHER:

In addition to demonstrating that William would have a job, a place to live and support to succeed in his community, the legal team's activities created a more positive political climate around the idea of commutation. Increased visibility and public backing for the issue have benefited William directly and will continue to open doors for other inmates who have changed their lives in prison and deserve an opportunity for clemency or commutation.