

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT
CRIMINAL ACTION
NOS. 13-01446, 001;
13-01447, 002;
14-00109, 001

COMMONWEALTH

vs.

PHILIP CHISM

SENTENCING MEMORANDUM

When something terrible happens people will often say: "It could always be worse." It is difficult for this Court to imagine what could be worse for an individual or a family to endure than the brutal and senseless murder of Colleen Ritzer. Colleen Ritzer lived a life of quiet heroism. That's what most teachers do. Henry Adams observed that "[a] teacher affects eternity; [she] can never tell where [her] influence stops." Colleen Ritzer's parents, more than most, have learned the reach of their daughter's influence, but at a cost no parent should have to endure. Colleen Ritzer loved her job, her family, friends, students, and coworkers—the depth of that love was manifest today. She was loved and valued by her family, friends, students and so many people whose lives she touched. To paraphrase the book of Proverbs: "Who can find a woman of valor; her value is far beyond pearls."

The Defendant, Philip Chism, did not start life on third base. The Court points this out not by way of excuse or even explanation, but because it is true. Sometimes his father was living in the family home, sometimes he wasn't. Although the Defendant's father was not present during the trial, his presence was still palpable. He was abusive, harsh, unfaithful, and

unpredictable. The Defendant's mother worked hard to provide for her family emotionally and financially with mixed success. After living in Tennessee, and a brief stint in Florida with his father, the Defendant moved to Danvers, Massachusetts, with his mother and sister in the late spring of 2013. He started as a freshman at Danvers High School that fall. While the extent or lack of extent of the Defendant's mental health was the subject of exhaustive testimony at trial, the Commonwealth presented overwhelming evidence that the Defendant had substantial capacity to appreciate the wrongfulness of his conduct and had the substantial capacity to conform his conduct to the requirements of the law.

The Defendant was quiet, polite, athletic, and had no prior criminal record. Then, on October 22, 2013, he carefully and deliberately prepared to kill his math teacher. The school day ended at 1:55 p.m., but Colleen Ritzer, like thousands of other conscientious teachers, was not done with her work day. As was her practice, she stayed after school to make herself available for students who needed academic help or, just as her student Autumn Ciani did that day, to spend time in her classroom seeking calmness in the midst of adolescence. Colleen Ritzer's practice was to arrive home late in the afternoon, chat with her mother, and then get to work planning for the next day's classes. Colleen Ritzer's mother testified so poignantly about how her daughter would come home and walk into her mom's home office and ask about her day, anxious for her turn to tell her mother about her own wonderful day preparing children for the world.

There would be no mother/daughter chat that Tuesday afternoon. While Colleen's mother waited for her loving daughter, the Defendant violently raped Colleen Ritzer. He viciously, brutally, and senselessly attacked Colleen in the girl's bathroom just feet from the

classroom where she was in her second year of living her dream of being a teacher. When the Defendant was finished in the bathroom, he put Colleen Ritzer inside a recycle bin, wheeled her to the woods, and pulled up her shirt exposing her breasts. Thereafter, he spread her legs and inserted a large tree branch inside her. Colleen Ritzer was found dead hours later after a frantic search by law enforcement. The jury found to a moral certainty that the Defendant killed Colleen Ritzer and that he was criminally responsible for her murder.

This Court will impose a sentence in this case without emotion, passion, sympathy, or pity. But one cannot see and hear what this Court has during the course of this case without feeling that the crashing waves of this tragedy will never wane.

There is no "right" sentence. No amount of prison time would ever be enough to be commensurate with this crime, and no math will ever erase the reality that this crime was committed by a fourteen year old boy. While this Court is constitutionally required to consider that there is always the possibility of redemption, even if the Defendant were to live a perfect life from this moment on, his repeated stab wounds to Colleen Ritzer's young body will remain indelible with Colleen Ritzer's family, friends, and community until the last person who knew Colleen Ritzer takes his or her last breath.

Our Massachusetts Declaration of Rights and the United States Constitution require this Court to consider the Defendant's age, the possibility of rehabilitation, and the brain development of adolescents when imposing a sentence. This Court also takes into consideration the nature and circumstances of the crime, public safety, general deterrence, the crime's impact on Colleen Ritzer and her family, and the risk of recidivism.

I will punish the Defendant for the murder of Collen Ritzer. And I will punish him for


the rape, as well as, the armed robbery of the underpants she put on the morning of her death. But I may not utilize the horrific rape and the robbery of Colleen Ritzer to punish the Defendant for this unspeakable murder more than the law allows. Sentencing a human being to prison comes with a solemn obligation to craft a sentence no more or less than justice requires. This inexact process is central to the maintenance of our social compact and part of the core of the concept of ordered liberty.

This Court will impose the mandatory life sentence for the murder of Colleen Ritzer and set a parole eligibility date of 25 years, the highest level our law and Constitution allows.

This Court will impose a concurrent sentence of forty years to forty years and one day for the rape of Colleen Ritzer and a concurrent sentence of forty years and forty years and one day for the armed robbery.

In imposing a sentence for the rape at a date in excess of the parole eligibility date for the murder, the Court is not suggesting that the rape, as heinous as it was, was more egregious than the murder. Rather, this Court is constitutionally obligated to set a parole date of no more than 25 years for her murder. While Colleen Ritzer's rape and murder were inextricably intertwined, this Court may not punish the Defendant with more prison time for the rape than justice demands for the purpose of avoiding the constitutional limitations imposed by our Massachusetts Declaration of Rights as interpreted by our Supreme Judicial Court for murder committed by a juvenile.

Dated: February 26, 2016



David A. Lowy
Justice of the Superior Court