



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Josh Wall
Chairman

DECISION

IN THE MATTER OF

EDWARD MARTIN

W51890

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 7, 2011

DATE OF DECISION: May 25, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Edward Martin sexually assaulted a former girlfriend in Pittsfield on May 17, 1991. He is serving concurrent life sentences for aggravated rape and armed burglary. He was released from state prison in Walpole just 16 hours before this sexual assault; he had completed a sentence for masked armed robbery. He returned to Pittsfield, apparently immediately, and hid in the hallway outside the victim's apartment. He attacked her from behind when she arrived home, forced his way into the apartment, beat her, and forcibly committed multiple sex acts. The incident took place over several hours. When a neighbor knocked on the door, the victim used the opportunity to escape.

A jury convicted Martin of aggravated rape, armed burglary, and rape on January 30, 1992. He was sentenced to concurrent life sentences for the aggravated rape and armed burglary. A concurrent sentence of 18 to 20 years for the rape has been completed.

Martin's criminal history includes a masked armed robbery and burglary, using a sawed-off shotgun, in 1984. His primary sentence for those offenses was an 11 year Concord sentence which gave him early parole eligibility. He violated parole five separate times with returns to custody; he was re-paroled four times. Current Parole Board records do not show why Martin received so many chances. He escaped in 1985 from a prison camp. He committed two assault and battery crimes in 1987; those crimes accounted for one of the parole violations and resulted in a six month sentence.

II. PAROLE HEARING ON JUNE 7, 2011

This is Edward Martin's second parole hearing for the two concurrent life sentences. The first hearing in 2006 did not go well. Martin was not truthful in the staff interview or in his statements at the hearing. He denied that he hid in the hallway and attacked the victim from behind; he claimed she invited him into the apartment. Additionally, according to the 2006 decision, his description of the sexual assaults "grossly understated the violent nature of the rape; he suggested he only slapped the victim after she informed him that their relationship was over; it was not until he was presented with a medical report of her injuries that he finally conceded to the Parole Board that he beat and raped the victim." He described events in a manner that suggested the victim fabricated the use of force in order to punish him. Martin was not involved in any programs and he did not hold an institutional job. The Board denied parole with a review in five years.

At this parole hearing, Martin said, "I am admitting to the offenses now; I was in denial" in 2006. He said that he assaulted the victim because "I was a control freak; I wanted to teach her a lesson."

The inmate made a curious choice at the hearing to hide part of his criminal history. He specifically denied ever living or being arrested in Florida. When confronted with documents showing his convictions in Florida, he acknowledged the criminal record was his. One of the convictions was for unlawfully carrying a concealed firearm.

Martin has a history of inconsistent or sporadic program participation. He refused to cooperate with the Department of Correction's request to complete the COMPAS needs assessment. Despite being convicted for a sexual assault, Martin has been reluctant to commit to sex offender treatment (SOTP). He did not enter SOTP until 2003. At the time of his first parole hearing in 2006 he had yet to complete the pre-treatment phase. He was terminated from SOTP in 2010 for poor attendance. He has resumed the program but still has not completed pre-treatment. His other program participation is minimal, and he appears not to recognize the need for programs aimed at reducing violent and controlling behavior and developing pro-social behavior.

Martin has 13 disciplinary reports in 20 years. The most serious reports are for drug possession, threatening to kill an officer, requesting that a corrections officer bring contraband into the prison, and possession of a handcuff key. He has three returns to higher custody. He meets monthly with a mental health counselor to address issues of anxiety, depression, and panic disorder. He takes four medications as a result of his mental health issues.

II. DECISION

At his hearing, Edward Martin stated that a denial with a five year setback "would be a slap in my face and my family's face." Martin is unrealistic about his prospects for parole and appears to be in active denial about his conduct as it relates to parole suitability. First, he is a

petitioner for parole who has five prior parole failures. Second, he committed this sexual assault just 16 hours after release from a state prison sentence. Third, he is a sex offender who has not completed sex offender treatment, primarily because of lack of interest and commitment. Fourth, he spent 15 years denying his most serious criminal conduct and lied extensively at his first parole hearing in an effort to convince the Board that the victim was lying and he had not committed the offenses for which he was convicted. Fifth, he shows little insight into his propensity for violence and domestic battery, and he has not sufficiently addressed these areas during his incarceration. Sixth, he has refused to cooperate with the Department of Correction's efforts to assess his programming needs through a COMPAS evaluation. Seventh, he has a complicated mental health situation that signals increased risks for problems in the community. Eighth, he intentionally attempted at this parole hearing to hide part of his criminal history.

Board members concluded that Martin is especially adept at glossing over negative realities by smoothly presenting his point of view and forcefully advancing his opinions despite their lack of factual support. Several Board members concluded that he lacks genuine remorse or empathy.

Martin would be likely to re-offend if released. He remains a dangerous person, thus his parole is incompatible with the welfare of society. Parole is denied with a review in five years.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Timothy V. Dooling, General Counsel

5/24/12

Date