



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

BENJAMIN MURRAY

W66679

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 16, 2017

DATE OF DECISION: October 3, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 that the inmate is a suitable candidate for parole. Parole is reserved to an approved home plan with special conditions, after completion of 18 months in lower security.¹

I. STATEMENT OF THE CASE

On June 22, 1999, Benjamin Murray pleaded guilty to the second degree murder of his mother Gail Murray and was sentenced to life in prison with the possibility of parole.

On or about 4:00 P.M. on December 23, 1997, a Beverly police dispatcher received a call from a female caller that there had been a murder at Benjamin Murray's home in Beverly. Almost immediately after the first call, the dispatcher received a second call. The caller identified himself as Benjamin Murray and said "... I'd like to report a murder. I just killed my mother." Beverly police and emergency responders went to the house, where they found Gail Murray face up in the dining room with over 30 stab wounds. Beverly police officers found the victim's brother-in-

¹ One Board Member voted to deny parole with a review in 2 years.

law in the kitchen, along with 19-year-old Benjamin Murray seated in a chair in a room off the kitchen. Mr. Murray was arrested and charged with the murder of his mother Gail Murray. After his arrest, he was sent to Bridgewater State Hospital for a competency determination. After nine months at Bridgewater State Hospital, Mr. Murray was found competent to stand trial and pleaded guilty to second degree murder.

II. PAROLE HEARING ON November 16, 2017

Benjamin Murray, now 39-years-old, appeared before the Parole Board for a review hearing on November 16, 2017. He was not represented by counsel. Mr. Murray was denied parole after his initial hearing in 2012. In his opening statement to the Board, Mr. Murray thanked his family and friends for their support throughout the years. Mr. Murray stated that he had a psychotic break brought on by extreme depression. He expressed his remorse and takes full responsibility for killing his mother. Mr. Murray said he learned valuable coping skills by participating in the Correctional Recovery Academy and Alternatives to Violence programs and by attending Alcoholics Anonymous and Narcotics Anonymous meetings. Upon questioning from the Board, Mr. Murray explained that after his 2012 hearing, he realized he had to actively work on his rehabilitation. Mr. Murray said that at the time of the murder, he had been abstaining from alcohol and drug use for nearly a year. He continued to do so for nearly 20 years in prison. Mr. Murray said that he attends Alcoholics Anonymous and Narcotics Anonymous meetings every other week and feels there are lessons to be learned from the meetings.

The Board asked Mr. Murray if there were red flags before the murder, particularly regarding his mental health. Mr. Murray explained that he was in a pretty bad mental state leading up to the murder. The Board noted that Mr. Murray's records show that prior to the murder, his family reported him experiencing auditory and visual hallucinations and asked if he remembers them. Mr. Murray said he has no memory of hallucinations. When the Board asked if he remembers anything from the day of the murder, Mr. Murray said that his memory from that time period is fragmented, and that he remembers very little. Mr. Murray explained that he received treatment at Bridgewater State Hospital after the murder. He said his mental health case was closed in 2001 or 2002, and he has had no issues since then.

The Board referenced a Psychological Evaluation prepared by Dr. Tali Walters. A Board Member agreed with Dr. Walter's assessment Mr. Murray likely does not suffer from a mental illness now, given his nearly 20 year record without mental or violence issues in prison. The Board noted, however, the ongoing need for mental health counseling if he were to be released. Mr. Murray said that in addition to counseling, he would also rely on his family, friends, and his parole officer to alert him to any potential mental health symptoms he might exhibit. When the Board asked him about his parole plan, Mr. Murray said that he earned a degree from Boston University while in prison and would like to continue his studies.

Mr. Murray's father, his brother, and his friends testified, attended the hearing, and submitted letters in support of parole. Norfolk Assistant District Attorney Marguerite Grant testified in opposition to parole.

III. DECISION

The Board is of the opinion that Benjamin Murray has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. This was Mr. Murray's first incarceration, and he was 19-years-old at the time of the crime. He has fully invested in his rehabilitation. He completed many meaningful programs and earned a degree from Boston University while incarcerated. Mr. Murray appears to have been suffering from a single major depressive episode that remitted. Mr. Murray has strong family support. Many members of his immediate family and friends attended and testified. He scores low on the Level of Services/Case Management Inventory (LS/CMI) scale. Mr. Murray is extremely remorseful and has had no mental health incidences in 20 plus years. He will benefit from supervision, accountability, and treatment.

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. Murray'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. Murray's risk of recidivism. After applying this standard to the circumstances of Mr. Murray's case, the Board is of the opinion that Benjamin Murray is rehabilitated and, therefore, merits parole at this time to an approved home plan with special conditions, after successful completion of 18 months in lower security.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 years; Must be at home between 10PM and 6AM; Electronic monitoring at parole officer's discretion. Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for alcohol abstinence, testing in accordance with agency policy; Report to assigned Massachusetts Parole Officer on day of release; Alcoholics Anonymous/Narcotics Anonymous at least three times a week and sponsor; Mandatory mental health evaluation and follow plan; Mandatory sign release of information from mental health service provider.

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.



Gloriann Moroney, Executive Director/General Counsel

10/3/18
Date