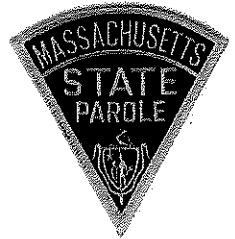


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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DECISION

IN THE MATTER OF

EDWARD MARTIN

W51890

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **March 19, 2019**

DATE OF DECISION: **December 16, 2019**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

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 the hearing.

I. STATEMENT OF THE CASE

On January 30, 1992, after a jury trial in Berkshire Superior Court, Edward Martin was convicted of aggravated rape and burglary and assault of an occupant in a dwelling. He received two concurrent life sentences with the possibility of parole. On that same date, Mr. Martin was convicted of rape and received a 10 to 20 year concurrent sentence.

In the early morning hours of May 17, 1991, Edward Martin raped a woman with whom he had a prior relationship. Mr. Martin had been released from jail the previous day and returned to the town in which she lived. Sometime between 1:00 a.m. and 2 a.m., the woman returned to her apartment from a bar, where she had been since early in the evening. After entering the building and opening her apartment door, the woman heard someone behind her

¹ Board Member Treseler was present at the hearing, but was no longer a Board Member at the time of vote.

call her name. Immediately thereafter, Mr. Martin put his arms around her and pushed her into the apartment and onto a couch in front of the door. He began yelling at her, calling her names, and accusing her of going out with other men. His anger rising, Mr. Martin punched the victim twice, removed her clothing, and then raped her. He proceeded to pull her down the hallway to her bedroom, where he raped her, performed oral sex on her, and raped her again. Mr. Martin then left the bedroom.

Eventually, with the assistance of a neighbor, the victim was able to escape the apartment and call police. When they arrived, the victim stated that she had been beaten and raped. The police, noting bruises on her forehead and swelling on her head, took the victim to the hospital, where a full examination (using a rape kit) was performed. The victim told the treating physician that she had been beaten, punched about the face, and choked. During the time the victim spent at the hospital, several officers went to her apartment. There, they found Mr. Martin asleep in the bedroom, where he was subsequently arrested.

II. PAROLE HEARING ON MARCH 19, 2019

Edward Martin, now 57-years-old, appeared before the Parole Board for a review hearing on March 19, 2019. He was not represented by counsel. Mr. Martin had been denied parole in 2006 and 2011, and he postponed his 2016 hearing. In his opening statement to the Board, Mr. Martin apologized to the victim and to "all the people [he] has affected." He summarized his institutional adjustment, program participation, and work efforts toward rehabilitation. When Board Members inquired as to why Mr. Martin only recently enrolled in the Sex Offender Treatment Program (SOTP), he responded that "[he] had appeals he wanted to exhaust and that [he] was in denial." He also stated that "[he] wanted to get back on the street," but that he "wasn't ready for the street." Mr. Martin explained that he is currently participating in SOTP, stating that "it's the best decision [he's] ever made to go to the [Bridgewater] Treatment Center." Mr. Martin told the Board that he has been helped in understanding the causative factors of his behavior, including issues from his childhood.

The Board discussed Mr. Martin's criminal history prior to the governing offense. In 1984, Mr. Martin was convicted of armed robbery and served an 11 year sentence. In describing that offense, Mr. Martin stated that he was laid off from his job in Florida and had moved with his wife and daughter to Pittsfield, where he was unsuccessful in finding a job. He and a friend planned to rob a drug dealer together. They broke into the drug dealer's house at night, robbing him at gun point. Mr. Martin then fled to Florida, where he was later apprehended. While in Florida, Mr. Martin was also involved in an incident with a gun stored in his vehicle. He and a friend went out one night, and an argument ensued when his friend "was jumped." Mr. Martin told the Board that during the argument, he retrieved the gun from his car and was arrested for having a concealed weapon. During his incarceration on the 11 year sentence (while in minimum security at MCI-Warwick), Mr. Martin escaped to New York City, but later turned himself in.

The Board also discussed Mr. Martin's prior parole failures. He had been paroled five times and, on each parole, he was on supervision for a short period of time before being returned to custody. On his first parole, he was arrested for assault and battery. Mr. Martin explained that he had been "drinking heavily" and had called a house where his girlfriend had been staying. Mr. Martin told her to come home and, when she refused, he went to the house

and argued with her. At some point, he engaged in an altercation with another male at the house and then punched him and "broke his jaw." When the Board questioned him further, Mr. Martin stated that he also "pushed [his girlfriend] in the face," resulting in a fall. On his second parole, Mr. Martin was returned to custody for association, alcohol, and motor vehicle related incidents. On his third parole, Mr. Martin threatened a parole officer. On his fourth parole, Mr. Martin went to visit his girlfriend (the victim of the rape). Mr. Martin stated that they "weren't getting along" and, at the time, he was "very controlling and manipulative," as well as "a very abusive person." Mr. Martin slapped her "a couple of times," but claims that the victim later recanted. On his last parole, Mr. Martin was arrested for threatening to commit murder, breaking and entering, and assault and battery. Those charges were later dismissed.

In describing the governing offense, which occurred hours after his release from his 11 year sentence, Mr. Martin explained that the victim had previously ended their relationship. He went to her apartment, but she wasn't home. He decided to wait for her to return and, when he saw her get out of a cab, hid behind a stairway. He then "hit her in the face," "pushed her through the door," and "took her clothes off and raped her." Mr. Martin stated that "when the sex ended," he "went back into the living room and continued to have a couple of beers." They both went to sleep, and he was later arrested. Mr. Martin told the Board that he learned the victim had sustained injuries, such as a "contusion over her eye" and "swelling under her eye," and had an earring "ripped out of her ear." He told the Board that he intended to "pay her back" for leaving him and for "making [him] feel harmed." Mr. Martin denied involvement in the rape until 2011, after receiving his parole decision, and admitted that he had previously lied to the Board. Board Members further questioned Mr. Martin as to his characterization of rape as "sex" and inquired, specifically, how he beat the victim. He told the Board that he hit her in the face with his hands.

At the time of the rape, Mr. Martin was married. He admitted that there was abuse in that relationship, as well. He stated that he "pushed [his wife] down a couple of times," "didn't talk to her for days," and "stayed out drinking." Mr. Martin has a daughter from that marriage with whom he does not have a relationship. He also has two additional children (that he has never met) from another woman. Mr. Martin stated that he has been working on his anger issues, explaining that his anger has "subsided a lot" and that it "doesn't make [him] feel good anymore to hurt people." Mr. Martin told the Board that he graduated from SOTP. Board Members noted, however, that there was an indication in his evaluations that Mr. Martin still needed to work on skills in regard to problem solving and empathy. Mr. Martin stated that he helps others by tutoring and that he speaks in the SOTP maintenance group once a week. He participated in Anger Management and is interested in the Restorative Justice Program. Although he acknowledged that he still has issues to address, Mr. Martin told the Board that he is ready for parole, explaining that "it just feels right" and "I want to be free."

The Board considered the oral testimony of Berkshire County Assistant District Attorney Jeanne Kempthorne in opposition to parole.

III. DECISION

Edward Martin has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Martin continues to be unrealistic about his prospects for parole. He has had five prior parole failures and committed this sexual assault

within hours after release from a state prison sentence. He should continue to engage in the Sex Offender Treatment Program (SOTP) to further address his causative factors.

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. Martin'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. Martin's risk of recidivism. After applying this standard to the circumstances of Mr. Martin's case, the Board is of the opinion that Edward Martin is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Martin's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages him to continue working toward 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

12/16/2019
Date