



*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

IN THE MATTER OF

MATTHEW FARLEY

W38635

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **March 12, 2019**

DATE OF DECISION: **February 12, 2020**

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

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, the criminal record, the 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 16, 1981, in Suffolk Superior Court, Matthew Farley pleaded guilty to the second degree murder of 28-year-old Deborah Smith. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Farley received concurrent life sentences for armed robbery and armed assault in a dwelling. Also, on that same date, he received a concurrent 8 to 10 year sentence for breaking and entering.

On March 14, 1981, at approximately 1:00 p.m., 18-year-old Matthew Farley and co-defendant Weldon Burden broke into the Boston apartment of Ms. Smith by smashing open the front door. The co-defendants then robbed her, and one of the men raped and fatally stabbed her. Mr. Farley, who testified against Mr. Burden at his trial, claimed that Mr. Burden chased Ms. Smith into the bathroom, where Mr. Burden grabbed her by the hair, hit her, demanded money,

ripped off her jeans with a knife, and then proceeded to rape and stab her. Mr. Farley claimed that he stole jewelry, a camera, a stereo, and other valuables, while Mr. Burden attacked Ms. Smith. Both men fled the apartment with her valuables. Mr. Farley claimed that he later returned to their apartment, where Mr. Burden met him at the door, stating "I killed the bitch." The co-defendants then sold the stolen camera and split the proceeds.¹

Meanwhile, Ms. Smith, who suffered from a four to six inch stab wound to her abdomen, managed to call police. Shortly before the ambulance arrived, a nearby nurse heard Ms. Smith say, "Get a doctor." When the nurse entered the apartment, she asked her what had happened. Ms. Smith responded that she had been raped and stabbed. The nurse checked Ms. Smith for injuries, saw that she had a stab wound on her right side, just below the rib cage, and tried to stop the bleeding with a towel. Ms. Smith lost consciousness shortly after describing her attackers to the nurse. The stab wound cut through her liver and aorta, causing a massive hemorrhage. She was transported to Boston City Hospital, where she succumbed to her injury and was pronounced dead.

II. PAROLE HEARING ON MARCH 12, 2019

Matthew Farley, now 56-years-old, appeared before the Parole Board for a review hearing on March 12, 2019. He was not represented by counsel. Mr. Farley was denied parole after his initial hearing in 1996, and after his review hearings in 1999, 2004, 2009, and 2014. Mr. Farley stated that he grew up in an impoverished environment that contributed to his criminal lifestyle, which Board Members noted was lengthy and began when he was 11-years-old. Although he used substances from a young age, Mr. Farley did not believe that his usage led him to commit crimes. He told the Board that he had committed other breaking and entering crimes with his co-defendant Weldon Burden, prior to the murder of Ms. Smith.

As to the governing offense, Mr. Farley explained to the Board that he and Mr. Burden set out to commit another breaking and entering, choosing Ms. Smith's apartment with the belief that no one was home. Mr. Farley admitted that upon seeing Ms. Smith was home, he told Mr. Burden to place her in the closet. Mr. Farley claimed that he was busy ransacking the apartment, while Mr. Burden raped her. Mr. Farley stated that he ran away either right before, or while, Mr. Burden stabbed Ms. Smith. When asked by the Board if he had told Mr. Burden to stop assaulting the victim, Mr. Farley admitted that he had not. Mr. Farley disclosed that Mr. Burden said he stabbed Ms. Smith because she had seen his (Mr. Burden's) face.

Mr. Farley agreed with the Board that his institutional adjustment has been poor. Since his last hearing, he has accrued 27 disciplinary reports for fighting, weapon possession, and drug use. He admitted to the Board that his use of the K2 drug is ongoing, most recently on the night before this hearing. He explained that he uses K2 to relax and "escape from his life." The Board noted that despite the difficulties Mr. Farley has faced in prison, he became literate and earned his GED. He also participates in mental health counseling once each month and regularly places himself on mental health watch to avoid becoming violent.

¹ Mr. Burden admitted at trial to breaking into D.S.'s apartment, selling her camera, and splitting the proceeds later that day. *Commonwealth v. Burden*, 15 Mass. App. Ct. 666 (1983).

The Board noted, however, that Mr. Farley appeared to exhibit signs of anger during this hearing. Mr. Farley agreed that he was angry, in part, because he has suffered regular harassment from other inmates and correctional staff during his incarceration. He further claimed that such harassment has included the denial of access to work and programming. Mr. Farley stated that he was kicked out of Alternatives to Violence for disrespectful language, a decision with which he disagreed. He stated he is very angry with "people constantly putting him inside a cage and poking at him." Further, he feels that he is in a "no-win" situation because of "everything that's happened" to him. As to his parole plan, Mr. Farley requests that he be sent to a mental health facility to assist with the immense anger he has developed during his incarceration. He also told the Board that he continues to receive support from his family.

Two of the victim's cousins testified in opposition to parole. Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter in opposition to parole. Boston Police Commissioner William Gross submitted a letter in opposition to parole, as well. The Board also considered additional letters in opposition to parole.

III. DECISION

Mr. Farley participated in a home invasion and robbery that led to the rape and murder of a young woman who was unfortunate to be home. He has yet to demonstrate a level of rehabilitative progress that would be compatible with the welfare of society.

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

Mr. Farley's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Farley to continue working towards 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


Date