

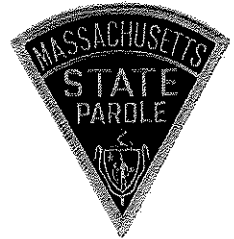
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

ADVISORY BOARD OF PARDONS

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Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Secretary

Tina M. Hurley
Chair

Kevin Keefe
Executive Director

IN THE MATTER OF
EDMUND WHELAN MULVEHILL, JR.
PETITION FOR PARDON
REPORT AND RECOMMENDATION

YOUR EXCELLENCY:

The Advisory Board of Pardons (hereinafter "the Board") respectfully submits this report and recommendation concerning the pardon petition of Edmund Whelan Mulvehill, Jr. In 1977, Mr. Mulvehill was convicted of two counts of Armed Robbery in Norfolk Superior Court, and sentenced to a seven-year prison sentence, suspended for three years of probation.

On or about December 14, 2020, Mr. Mulvehill submitted a petition for a pardon. (*Attachment A*). On October 24, 2022, the Board conducted a public hearing regarding Mr. Mulvehill's petition. In his petition and at the public hearing, Mr. Mulvehill requested a pardon for his convictions so that he may obtain a License to Carry a Firearm ("LTC").

After due consideration, the Board voted unanimously to recommend favorable consideration of Mr. Mulvehill's request for a pardon. The reasons for the Board's recommendations are set forth in the body of this opinion.

PROCEDURAL HISTORY

On or about June 22, 1977, Mr. Mulvehill was arraigned in Norfolk Superior Court, Docket 1781232ZZ. He was convicted of two counts of Armed Robbery, and sentenced to seven years imprisonment, suspended for three years of probation. His Massachusetts record was subsequently sealed. (*Attachment B*).

STATEMENT OF THE CASE

On March 5, 1977, the Norwood Police Department responded to reports of two armed robberies at Scot Gas Station, which had taken place that day and the previous day. On both occasions, the suspect used a knife to rob the store clerk. Investigating officers received a description of the suspect, and located an individual matching that description outside of a nearby school. He attempted to flee, but was located by a K-9 officer. He was identified as Edmund Mulvehill. In a lineup procedure, the store clerk identified Mr. Mulvehill as the perpetrator of both robberies. In total, approximately \$209 was stolen. When he was apprehended, Mr. Mulvehill directed officers to the location of the knife and money, which he had hidden in the snow. He later admitted to both robberies. (*Attachment C*).

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record, dated August 31, 2022, Mr. Mulvehill was arraigned on November 10, 1980 in Stoughton District Court on one count of a Controlled Substance Act Violation. The case was dismissed on November 28, 1980. According to the National Crime Information Center ("NCIC") record, also dated August 31, 2022, Mr. Mulvehill does not have any arrests or convictions in any other state. (*Attachment B*).

PARDON PETITION OF EDMUND MULVEHILL

On or about December 14, 2020, Mr. Mulvehill submitted a petition for clemency, in the form of a pardon, for two counts of Armed Robbery. In his petition, Mr. Mulvehill stated that he is seeking a pardon so that he may apply for an LTC. He reported that he has been employed as the Director of Veterans' Services in the Town of Norwood for over twenty years, and was previously employed by the United States Postal Service. He stated that he is a graduate of Norwood Senior High School, served in the United States Air Force, and was honorably discharged. He is a father to six adult children. Mr. Mulvehill reported that he has been married since 2009, and currently lives in Norwood.

With his petition, Mr. Mulvehill submitted a lengthy list of community organizations with which he has been involved. He has been honored with awards from many of these organizations, and has also held leadership positions in several of them.

- Norwood Town Meeting
- Disabled American Veterans
- Veterans of Foreign Wars
- Sons of the American Legion
- Massachusetts Vietnam Veterans, Inc.
- Norwood Rotary Club
- Southeastern Massachusetts Veterans' Service Officers' Association
- Massachusetts Department of Veterans' Services
- Governor's Advisory Council on Veterans' Affairs
- Chairman, Town of Norwood Contributory Retirement System
- Elks Lodge
- Norwood Town Democratic Committee
- Norfolk County Sheriff's Taskforce for Veterans and Outreach
- Department of Veterans' Affairs, New England
- US Air Force Sergeants Association
- Employer Support of the Guard and Reserve
- Congressional Medal of Honor Society
- Saint Catherine of Siena Parish

(Attachment A).

2022 INTERVIEW OF EDMUND MULVEHILL

At the request of the Advisory Board of Pardons, Mr. Mulvehill consented to an interview concerning his petition. The interview took place on October 12, 2022. (*Attachment D*).

PROCEEDINGS BEFORE THE ADVISORY BOARD

On October 24, 2022, the Advisory Board of Pardons held a public hearing on Mr. Mulvehill's pardon petition. The hearing was chaired by Board Member Charlene Bonner. Advisory Board of Pardon Members Maryanne Galvin, Tina Hurley, and James Kelcourse were also present at the hearing. Board Members Tonomey Coleman and Colette Santa were not present for the hearing, but reviewed the record and participated in deliberations. Mr. Mulvehill was not represented by counsel.

THE BOARD'S INQUIRY

SOCIAL HISTORY

Upon inquiry by the Board, Mr. Mulvehill provided information concerning his social history. Mr. Mulvehill reported that he served in the United States Air Force from 1972-1976, joining when he was eighteen years old, and that he served in Southeast Asia until his honorable discharge in March 1976. Mr. Mulvehill told the Board that both his father and grandfather were veterans. During his hearing, Mr. Mulvehill described some of the traumatic events that he witnessed during his time in combat. He reported that he became heavily dependent on drugs and alcohol during his time, and that his trouble with substance use continued when he returned to the United States. After the robberies, he realized that he needed to change his lifestyle and take responsibility for his actions. Mr. Mulvehill told the Board that he no longer has any concerns about substance use, but that he has never participated in any formal treatment.

Mr. Mulvehill told the Board that he has dedicated his life to working with disabled veterans. The Board noted that Mr. Mulvehill's list of accomplishments in serving the

community is impressive. Among those accomplishments was serving on a committee that hosted the Congressional Medal of Honor Society. Mr. Mulvehill has been married twice, and has been with his current wife for approximately twenty years. He is father to six adult children, and has one grandchild.

GOVERNING OFFENSE

The Board inquired about the offenses for which Mr. Mulvehill seeks a pardon. He stated that his actions in committing the robberies were incredibly stupid. He reported that he needed money to pay his rent, and knew that he could use his military training to commit a robbery. He was under the influence of drugs and alcohol at the time. Mr. Mulvehill told the Board that he never had any intention of using the knife against the store clerk, but was aware that he put the clerk in fear of harm. Mr. Mulvehill expressed remorse for putting the clerk into a state of fear and victimizing him. He reported that he returned to the same store the second night hoping to get caught, and didn't run when he was apprehended. Mr. Mulvehill noted that he completed his three years of probation without issue.

VICTIM IMPACT

No victim impact statements were provided to the Board.

PRIOR CRIMINAL HISTORY

The Board noted that, aside from the governing offenses, Mr. Mulvehill was also charged with a Controlled Substance Act Violation in 1980. He stated that this arrest occurred when he stopped on the side of the road and was approached by a police officer. According to Mr. Mulvehill, the officer located an eyeglass repair kit that the officer believed was related to drug use. Mr. Mulvehill reported that the charge was dismissed.

COMPELLING NEED FOR A PARDON

The Board made inquiries concerning Mr. Mulvehill's compelling need for a pardon. Mr. Mulvehill expressed his concerns about the safety of his family and explained to the

Board his interest in obtaining an LTC so that he could have a firearm for his family's protection. He reported that he has a great respect for law enforcement, and that he is saddened by acts of violence he has seen taking place against members of law enforcement and other citizens. He stated that he wishes to protect his family from any such acts of violence. Although Mr. Mulvehill has never had an LTC, he told the Board has had a Firearms Identification Card ("FID") in the past. He stated that when the law changed prohibiting him from having an FID, he sold his firearm and turned his FID into the local police department. His local Chief of Police has agreed to issue him an LTC if he receives a pardon.

SUPPORT

SUPPORT TESTIMONY

The Board did not hear any testimony in support of Mr. Mulvehill's petition.

SUPPORT LETTERS

In advance of Mr. Mulvehill's hearing, the Board received three letters of recommendation in support of Mr. Mulvehill's pardon petition. (*Attachment A*, pages 9-12):

WILLIAM BROOKS William Brooks, Norwood Chief of Police, submitted a letter dated August 14, 2020 in support of Mr. Mulvehill's petition for a pardon. Chief Brooks described Mr. Mulvehill as "a productive and highly admired citizen of our community." He wrote about Mr. Mulvehill's work coordinating services and events for veterans. He stated that he would grant Mr. Mulvehill an LTC if Mr. Mulvehill were to receive a pardon.

STEPHEN DONOHOE Stephen Donohoe, Pastor of Saint Catherine of Siena Parish, submitted a letter dated August 24, 2020 in support of Mr. Mulvehill's petition for a pardon. Pastor Donohoe described Mr. Mulvehill as a "consummate professional," "a decorated veteran,"

“a loyal patriot,” and a “devoted servant of God, family, and nation.”

PAUL BISHOP

Paul Bishop, a friend and colleague of Mr. Mulvehill, submitted a letter dated July 17, 2020 in support of Mr. Mulvehill’s petition for a pardon. Mr. Bishop stated that Mr. Mulvehill “consistently exceeds expectations in his interpersonal skills and work ethic” and that he is “an intelligent human being of good character.”

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Mulvehill’s petition.

LETTERS

No letters were submitted in opposition to Mr. Mulvehill’s petition.

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

After careful review and consideration, it is the opinion of 6 of the 6 voting members of the Advisory Board of Pardons that a favorable recommendation for a pardon be sent to the Governor on behalf of Edmund Whelan Mulvehill, Jr.

Governor Charles D. Baker’s Executive Clemency Guidelines, issued on February 21, 2020 ("Guidelines"), establish the grounds upon which a pardon may be granted and provide assistance to the Advisory Board of Pardons in making recommendations to the Governor on clemency petitions. The Guidelines state that a pardon is “an extraordinary remedy which has the effect of treating the petitioner as if the offense had never been committed.” The Guidelines further provide that “[pardons are] intended to remove the barriers that are sometimes associated with a criminal record, thereby facilitating the reintegration of the petitioner into his or her community.” The Guidelines state that the nature and circumstances of the offense and the

character and behavior of the petitioner are the two “paramount considerations in deciding whether to grant clemency.”

Under the Governor’s Guidelines, a person who petitions for a pardon bears the responsibility of demonstrating, by clear and convincing evidence, that:

- (a) The petitioner has clearly demonstrated an acceptance of responsibility for the offense for which the petitioner is seeking clemency;
- (b) the petitioner does not have any pending appeals or challenges to a conviction or sentence;
- (c) the petitioner has made full restitution to his or her victims, in the event of economic injury;
- (d) the petitioner has made exceptional strides in self-development and self-improvement and would be a law-abiding citizen;
- (e) the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (f) the petitioner has contributed to society through the military or public service, or through charitable work;
- (g) the petitioner has demonstrated a period of good citizenship by “leading a responsible and productive life and contributing to [his or her] community in a positive manner” for more than ten years following a felony conviction, “without the structure provided by government supervision,” such as probation or parole;
- (h) there is no alternative remedy available to the petitioner.

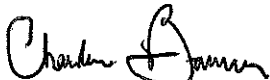
Mr. Mulvehill committed the offenses for which he is seeking a pardon in 1977. He accepts responsibility for the crimes and reports that he was struggling with addiction at that time. He served in the Air Force and served on a committee that hosted the Congressional Medal of Honor Society. The Board notes he has significant community support and is involved in the veteran community in the Town of Norwood. It is notable that he served in Vietnam where he


was exposed to significant trauma that contributed to his substance abuse and other issues. Mr. Mulvehill has made significant strides in his rehabilitation.

Therefore, the Board recommends that a pardon be granted.

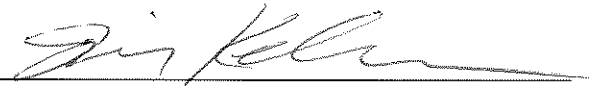
For the six members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 21st of November, 2022:

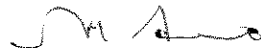

Tina Hurley, Chair


Charlene Bonner, Board Member


Tonomey Coleman, Board Member


Maryanne Galvin, Board Member


James Kelcourse, Board Member


Colette Santa, Board Member