

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

ROBERT MARKS

W57492

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 20, 2022

DATE OF DECISION: September 29, 2022

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

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 not a suitable candidate for parole.² Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On April 18, 1975, in Suffolk Superior Court, Robert Marks pleaded guilty to the second-degree murder of 22-year-old J.E. (female).³ He was sentenced to two concurrent life sentences with the possibility of parole.

On September 23, 1974, Boston police responded to an apartment on Beacon Hill and found the body of the victim, J.E., lying on the floor in a pool of blood. An autopsy determined that she sustained three stab wounds, one to her back and two to her chest. The injuries penetrated her lungs and aorta, resulting in a massive hemorrhage. Additionally, there was evidence of a sexual assault. J.E. was 20 weeks pregnant.

¹ Chair Moroney was recused.

² Three Board Members voted to deny parole, and two Board Members voted to grant parole.

³ This is a Pseudonym. G.L. c. 265 § 124C.

A witness stated that she and J.E. were sex workers, who worked in Boston's Combat Zone. The witness gave J.E. a key to a Beacon Hill apartment, so that she could use it. At approximately 3:15 p.m., the witness saw J.E. talking to 19-year-old Robert Marks at a pre-arranged meeting place. J.E. told the witness, "If I'm not back in a reasonable hour of time, come up and check on me. I might be dead. He doesn't look right." At approximately 5:00 p.m., when the witness returned to the apartment, she could not get the door open. When she and three other residents (including a nurse) gained entry, they found J.E. lying on the floor, naked from the waist down. The nurse ascertained that J.E. had no pulse and immediately summoned the police.

On September 24, 1974, Robert Marks, who had fled Massachusetts, surrendered to the New York City Police Department. He provided a signed confession that he committed a murder in Boston. He also provided police with the murder weapon. Mr. Marks stated that he intended to rob J.E., but upon entering the apartment and seeing that she was alone, decided to kill her with a knife. After being stabbed in the back, J.E. fell to the floor and told Mr. Marks that she hid her money in a sock. Mr. Marks then stabbed her at least two other times in the chest and took the money. Mr. Marks then admitted to raping J.E. after she died. He also admitted to taking several steps to conceal his crimes, which included wiping the door, coffee table, and knife blade with a rag. He went immediately to a bus terminal, cleaned his hands in the bathroom, and fled to New York.

II. PAROLE HEARING ON JANUARY 20, 2022⁴

Robert Marks, now 64-years-old, appeared before the Parole Board for a review hearing on January 20, 2022. He was not represented by counsel. Mr. Marks was released on parole in 2010, but his parole was revoked in 2012, after he absconded from supervision and fled to North Carolina. Mr. Marks was denied parole after his 2014 review hearing. He then postponed his 2019 review hearing. Mr. Marks discussed with the Board the extensive mental illness issues in his family, as well as the physical and sexual abuse that he suffered both in foster care and when he was institutionalized as a teenager. Starting at age 14, he "used to hustle tricks in the South End for money" to support himself. Mr. Marks characterized his decision to join the army as a "big mistake" because he lacked the social skills to handle military service. As such, he went absent without leave (AWOL) out of state before returning to Massachusetts, where he committed the governing offense.

On the day of the murder, Mr. Marks told the Board that he traveled to Boston, where he planned to find and rob a sex worker. He consumed one beer and spoke with several female sex workers. Mr. Marks stated that he was approached by J.E., who solicited him for sex. After following her back to her apartment, Mr. Marks said that he stabbed J.E. in the back as she opened the front door. He claimed that after she was stabbed, J.E. voluntarily told him that she kept money in a sock in the apartment. Mr. Marks admitted to stabbing her twice more in the chest before raping her vaginally. Although he denied having any memory of anally or orally raping the victim, Mr. Marks described the offense as a "full blown psychotic episode" that he still does not completely understand. Mr. Marks acknowledged, however, that he planned the act while he was sexually aroused and looking for a victim. He further admitted that he acted intentionally when he wiped the knife and cleaned the apartment before he left.

⁴ The entire video recording of Mr. Marks' January 20, 2022 hearing is fully incorporated by reference to the Board's decision.

Board Members noted that Mr. Marks participated in the Sex Offender Treatment Program and inquired whether treatment has given him any clarity as to why he raped a dead (or dying) victim. He responded that because he was never classified as a Sexually Dangerous Person, no one has ever pursued this area during treatment. Mr. Marks received his GED, both his associate's and bachelor's degree, and state certification as an Emergency Medical Technician, while incarcerated. Mr. Marks currently works at OCCC in maintenance. While incarcerated, he obtained several furloughs to work in construction. Mr. Marks stated that his prior parole failure was due to his difficulty in handling the stress of outside life, along with using alcohol as a coping mechanism. While employed as an auto mechanic, he was accused of stealing after he closed out the cash register. Thereafter, Mr. Marks said that he cut off his GPS bracelet and drove to North Carolina, where he binged on alcohol for three days. He was arrested as he drove back to Massachusetts. Mr. Marks states that he has been sober for eight years.

No testimony was offered in support of, or in opposition to, parole.

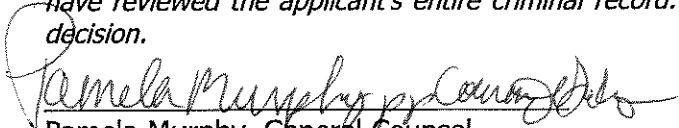
III. DECISION

The Board is of the opinion that Robert Marks has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. In 1975, Mr. Marks pleaded guilty to murder in the second degree and armed robbery for the killing of a 22-year-old victim. He admits to sexually assaulting the victim after believing the victim to be dead. He admits to a prior history of sexually deviant behavior. He has engaged in Sex Offender Treatment and has remained sober for eight years. He has a significant history of mental health treatment and recognizes the need for treatment compliance. He has a problematic history of absconding. Mr. Marks was AWOL from the military at the time of offense and had a prior parole failure that included cutting off his GPS bracelet, relapse, and fleeing to North Carolina, where he reoffended. He escaped from pre-release and went to Florida. The Board acknowledges his educational achievements and progress in addressing mental health and addiction. However, given his history, he is recommended to reengage in A/A, continue with mental health, and establish a reentry plan.

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

Mr. Marks' next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Marks 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

9/29/22
Date