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*The Commonwealth of Massachusetts*  
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**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**ROBERT SULLIVAN**

**W32731**

**TYPE OF HEARING:** **Revocation Review Hearing**

**DATE OF HEARING:** **July 29, 2014**

**DATE OF DECISION:** **September 26, 2014**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is a suitable candidate for re-parole at this time. Re-parole to an approved home plan with several conditions. Unfortunately, Robert Sullivan died of natural causes on August 15, 2014. He was 69 years old and in very poor health.

**I. STATEMENT OF THE CASE**

On May 26, 1970, Robert Sullivan was sentenced in Suffolk Superior Court to life imprisonment following his conviction for two counts of second degree murder. Sullivan and a co-defendant, Walter Elliot, were tried for the murders of Marilyn Parker and Donald Daigle.

On the night of December 20, 1968, Robert Sullivan, then age 24, and two associates, Walter Elliot and James Murphy, went to the apartment of Marilyn Parker located in South Boston. The victims, Parker and Donald Daigle, were seated in the living room with a third person, Frank Stewart. Linda Marsh, who would later identify the three suspects, was in the kitchen.

Responding to a knock at the front door, Parker opened the door and asked, "Who is it?", whereupon a reply from the outside stated, "Jimmy." Parker opened the door and Murphy, or "Jimmy," grabbed her around the neck, placed a gun to her head, and shot her. Elliot then shot Daigle who was hit by eight shells about the face and his chest. Stewart dove behind a chair and was not struck.

During the shooting, Sullivan, on orders from Elliot, ran from the front door to the rear of the house to prevent anyone from escaping. Elliot was also heard saying, "Kill them all." While running from the front door to the rear, Sullivan fired a number of shots through the apartment windows.

Sullivan, Murphy, and Elliot then fled from the home. Boston Police were immediately notified. Parker was found on the living-room floor dead and Daigle was transported to the Boston City Hospital where he later died.

As a result of an investigation, Marsh, the woman in the kitchen, identified the pictures of the three subjects in question as having been involved in the double murder. She was kept in protective custody for over a year after she made these identifications.

Sullivan fled to New Jersey after Marsh identified him as one of the suspects. He was eventually apprehended by law enforcement for breaking and entering with the intent to steal. Soon after Sullivan was convicted and sentenced to three to five years, to be served at the New Jersey State Prison in Trenton. While he was in the Frehold County Jail in New Jersey, Sullivan confided in an inmate that he was wanted in Massachusetts for a double murder and that there was only one witness who would have to be eliminated.

Elliott, who is now deceased, was apprehended on March 2, 1969, and convicted of second degree murder. On October 15, 1969, Sullivan was returned to Massachusetts. Murphy, even to this day, remains at-large.

## **II. INSTITUTIONAL HISTORY**

Sullivan was sentenced and committed to MCI-Walpole on May 1970. During his incarceration, Sullivan had had four returns to higher custody, the last of which occurred in 1983. He had incurred two minor disciplinary infractions since his return to custody.

At the time of the hearing, Sullivan was incarcerated in the medical unit at MCI-Shirley and confined to a wheelchair. Sullivan had not been involved in any significant institutional programming, education or employment since his return to custody in 2013. According to his Personalized Plan, he had been accepted into the Cognitive Skills-Problem Solving, Cognitive Skills-Setting Goals, Cognitive Skills-Active Listening, Basic Level of Alternatives to Violence, and Able Minds.

## **III. PAROLE HEARING ON JULY 29, 2014**

On July 29, 2014, Sullivan appeared before the Parole Board for a review hearing following the revocation of his parole in February 2014. This was Sullivan's fifth appearance before the Board.

Sullivan was initially paroled on November 9, 1985. He was returned to custody on December 20, 1994 due to an operating under the influence offense, which was later dismissed. He was re-paroled to the street on March 8, 1995.

He was returned to MCI-Concord on June 15, 2002 as a parole violator for operating under the influence and malicious destruction of property. The charges were subsequently dismissed and he was re-paroled in February 2003.

Sullivan had been receiving counseling for the past ten years on a regular basis to discuss issues of alcoholism, depression, and past childhood problems. Further, one of the issues he had worked on was his anger management because he had a "bad temper." Sullivan was not considered an open mental health case within the Department of Correction.

Sullivan started drinking a couple of months prior to his latest return to custody due to a decline in his health. On June 23, 2013, Sullivan violated his parole by picking up a new arrest for indecent exposure. The charge was continued without a finding with a suspended sentence until November 26, 2015 and as a consequence Sullivan was also required to refrain from entering Dorchester. Accordingly, the Board voted to revoke his parole on February 11, 2014.

Sullivan had lived at his residence in Dorchester for 28 years. He acknowledged the relations with his neighbors had deteriorated due to the company he was keeping. He had been involved with a woman who was actively using drugs and associating with an ex-offender. It was suspected that his girlfriend had stolen equipment and tools from the landlord.

Sullivan characterized his behavior with regard to the indecent exposure as a foolish mistake, first describing it as a joke then stated he was angry. Sullivan admitted he had been drinking and the incident was precipitated by an on-going dispute with his neighbors and he did it to "insult them."

Sullivan requested a re-parole to reside with his niece and her family in Weymouth. He would continue to seek counseling and attend Alcoholics Anonymous meetings in the community. He was represented Attorney William Galvin.

Suffolk Assistant District Attorney Charles Bartoloni submitted a letter opposing Sullivan's petition for parole at this time. Several family members and friends attended the hearing in support of parole. Sullivan's niece spoke as to the assistance she would afford to him if he were granted a parole.

#### **IV. DECISION**

Robert Sullivan had been the beneficiary of two previous paroles that had been revoked, and his latest revocation was an outgrowth of a conflict with neighbors and his use of alcohol. While incarcerated on his latest parole violation, Mr. Sullivan engaged in positive programming, including Cognitive Skills-Problem Solving, Cognitive Skills-Setting Goals, Cognitive Skills-Active Listening, Basic Level of Alternatives to Violence, and Able Minds. He presented a solid parole plan.

The standard for parole is set out in 120 C.M.R. 300.04, which provides that, "Parole board members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such an 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." Applying that appropriately high standard, the Parole Board concludes that Mr. Sullivan had been a suitable candidate for parole.

Unfortunately, Mr. Sullivan died on August 15, 2014, approximately two weeks after this hearing, and before the Board had notified him of its decision that a third parole would be granted with conditions. Mr. Sullivan was 69 years old and in very poor health.

*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.*

  
Janis DiLoreto Smith, General Counsel

9/26/14  
Date