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PAROLE BOARD

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Gloriann Moroney
Chair

Kevin Keefe
Executive Director

AMENDED DECISION

IN THE MATTER OF

ROBIN MURPHY

F25652

TYPE OF HEARING:

Review Hearing

DATE OF HEARING:

March 8, 2022

DATE OF DECISION:

November 10, 2022

PARTICIPATING BOARD MEMBERS¹: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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, 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 January 14, 1981, in Bristol Superior Court, Robin Murphy pleaded guilty to second-degree murder in the death of Karen Marsden and was sentenced to life in prison with the possibility of parole. Ms. Murphy had been indicted for first-degree murder but was allowed to plead guilty to the lesser charge in exchange for her testimony at the trial of her co-defendants, Carl Drew and Carl Davis.

In December 1979, Robin Murphy and Karen Marsden were in a relationship, living together in the Fall River area. Ms. Marsden had previously lived with, and worked for, Carl Drew, a Fall River pimp who also led a satanic cult. Ms. Murphy was an active participant in a group of pimps, sex workers, and drug abusers that included Mr. Drew and Ms. Marsden. On the evening of February 8, 1980, 17-year-old Robin Murphy and Ms. Marsden were in a car with

¹ Board Member Tina Hurley was recused.

² One Board Member voted to grant parole to an approved home plan.

Mr. Drew, Carl Davis, and another woman. The other woman, at the direction of Mr. Davis, drove to Family Beach in Westport. When Mr. Drew ordered her to take Ms. Marsden out of the car, Ms. Murphy dragged the victim by her neck and hair into the woods. Mr. Drew and Ms. Murphy hit Ms. Marsden and struck her with rocks. Mr. Davis handed Ms. Murphy a knife and told her to cut Ms. Marsden's throat, which she did. Mr. Drew then snapped Ms. Marsden's neck and took off her pants, after which Ms. Murphy committed a sexual act on her body. Mr. Drew cut off Ms. Marsden's head and told Ms. Murphy to pull out the hair. After she complied, Mr. Drew kicked the head and marked the body. Ms. Murphy, Mr. Davis, Mr. Drew, and the other woman went back to the car. Some months later, Ms. Murphy made incriminating statements to multiple friends, who later reported those statements to police.

Ms. Murphy was present and played a role in the murder of Barbara Raposa in Fall River on February 7, 1979. Ms. Murphy was given immunity in exchange for her testimony at trial in which Andre Maltais was convicted of first-degree murder.

II. PAROLE HEARING ON MARCH 8, 2022²

Robin Murphy, now 59-years-old, appeared before the Parole Board for a review hearing on March 8, 2022. She was represented by Attorney Courtney Kenyon. Ms. Murphy was denied parole after her initial hearing in 1995, and after review hearings in 1998 and 2002. Ms. Murphy appealed her 2002 denial, and the Board granted her an appeal hearing. On April 24, 2004, the Board voted to parole Ms. Murphy to a long-term residential program. She was returned to custody in 2011, for violating her conditions. Ms. Murphy was denied parole after subsequent review hearings in 2012 and 2017.

Board Members questioned Ms. Murphy as to her conflicting statements concerning her role in the governing offense. The Board noted that Ms. Murphy had pleaded guilty to the murder of Karen Marsden, where she gave graphic sworn testimony as to her role and that of Carl Drew in the murder. Ms. Murphy, however, now denies being present for the murder, having recanted her testimony several years after the crime. Ms. Murphy claims that she implicated herself directly in Ms. Marsden's murder to ensure that Mr. Drew was also convicted of murder, as she believed that he was responsible for her death. The Board noted that Ms. Murphy had a subsequent opportunity to rectify her untruthful testimony regarding Mr. Drew but chose not to do so. Board Members noted that Ms. Murphy's character, honesty, and credibility were of major concern, particularly as Ms. Murphy reiterated her belief in Mr. Drew's guilt. Ms. Murphy stated that, upon further reflection, she should have let the legal system "play out" without her lies and involvement.

Ms. Murphy answered additional questions concerning her behavior while on previous parole supervision. She acknowledged to engaging in a relationship with a known felon with a substance abuse disorder. She admitted to driving her car with this person and surmised that a drug transaction occurred in the vehicle after picking up another passenger. Ms. Murphy denied seeing the exchange, however. She further claimed that she attempted to arrange for treatment for the felon. Board Members voiced concern that the relationship Ms. Murphy engaged in, while on parole supervision, was similar to many of the dysfunctional relationships she was involved in at the time of the murder. Nonetheless, the Board acknowledged Ms.

² The entire video recording of Ms. Murphy's March 8, 2022 hearing is fully incorporated by reference to the Board's decision.

Murphy's participation in a variety of programming, including the American Veteran Dogs Program and a Restorative Justice Program. Ms. Murphy stated that she meets with a mental health counselor on a regular basis.

The Board considered testimony and a written evaluation in support of parole from Dr. Frank DiCataldo. The Board also considered submissions in opposition to parole including the testimony of Ms. Raposa's friend and State Representative and former Fall River Police Detective Alan Silvia. The Board considered testimony in opposition to parole from Bristol County Assistant District Attorney Patrick Bomberg.

III. DECISION

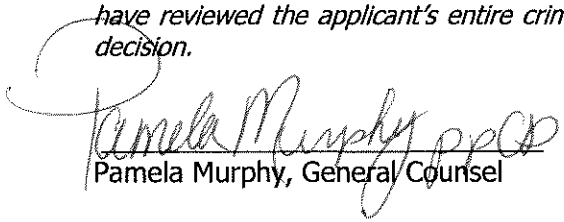
The Board is of the opinion that Robin Murphy has not demonstrated a level of rehabilitative progress that would make her release compatible with the welfare of society. The Board acknowledges she has engaged in significant programming. However, the Board is concerned about her lack of truthfulness and history of trying to deceive the Court and the Board. This hearing raised new concerns for the Board about her character and willingness about accountability for admittedly giving false testimony to convict another individual of first-degree murder. As noted in the expert report of Dr. DiCataldo, Ms. Murphy is only just beginning to address her codependency issues, and the Board encourages her to work on the same. The Board remains concerned about her ability to tell the truth when she has admitted to the Board she has lied under oath.

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 the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

In forming this opinion, the Board has taken into consideration Ms. Murphy's institutional behavior, as well as her participation in available work, educational, and treatment programs during the period of her incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Ms. Murphy's risk of recidivism. After applying this standard to the circumstances of Ms. Murphy's case, the Board is of the opinion that Robin Murphy is not yet rehabilitated and, therefore, does not merit parole at this time.

Ms. Murphy's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Ms. Murphy to continue working toward her 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

11/10/22
Date