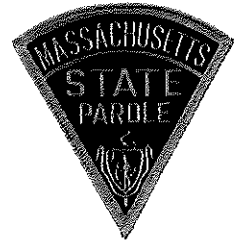


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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RECORD OF DECISION

IN THE MATTER OF

ROBIN MURPHY
F25652

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **March 5, 2024**

DATE OF DECISION: **May 13, 2024**

PARTICIPATING BOARD MEMBERS¹: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, James Kelcourse

VOTE: Parole is granted on/after 2 weeks from issuance of Decision to Long-Term Residential Program, but not before District Attorney clearance.

PROCEDURAL HISTORY: 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.

Parole was denied following an initial hearing in 1995 and review hearings in 1998 and 2002. Following a request to reconsider, the Board granted Ms. Murphy parole in 2004. She remained on parole until 2011, when she was returned to custody for a parole violation. She was subsequently denied parole following review hearings in 2012, 2017, and 2022. On March 5, 2024, Ms. Murphy appeared before the Board for a review hearing. She was represented by Attorney Courtney Kenyon. The Board's decision fully incorporates, by reference, the entire video recording of Ms. Murphy's March 5, 2024 hearing.

STATEMENT OF THE CASE: In December 1979, Robin Murphy (age 17) and Karen Marsden (age 20) 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.

¹ Chair Tina M. Hurley was recused.

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, Ms. Murphy and Ms. Marsden were in a car with 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 Ms. Marsden's 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.²

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

In the context of an incarcerated individual 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 meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile'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." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the incarcerated individual's right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

² Ms. Murphy was also 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, at which Andre Maltais was convicted of first-degree murder.

DECISION OF THE BOARD: This was Ms. Murphy's eighth appearance before the Board. She was initially paroled in 2004 and returned to custody in 2011 for a parole violation. Ms. Murphy has engaged in a significant amount of programming to address her trauma history, victim empathy, emotional wellbeing, and addiction, and has earned her bachelor's degree from Boston University. She has remained in the Vet Dogs program and has developed employment skills. She recognizes the issues that resulted in her return to custody, has actively addressed those issues in custody, and will continue to do so in the community. Ms. Murphy acknowledges that her history of dishonesty has been a barrier to her release. She acknowledges that, due to her pattern of dishonesty, many people have been harmed. She is willing to try and rectify the harm she has caused. Ms. Murphy has significant support in the community and presented with a re-entry plan that will meet her needs. The Board considered a prior forensic evaluation by Dr. DiCataldo. The Board also considered public testimony by the Bristol County District Attorney's Office, a friend of the victim, and a retired detective who was involved in the governing offense. The Board concludes by unanimous decision that Ms. Murphy has demonstrated a level of rehabilitation that would make her release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for when program allows; Curfew - must be at home between 10 PM and 6 AM; Electronic monitoring (GPS) for 90 days; Must take prescribed medication; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; No contact with witness(es); Must have substance abuse evaluation and follow recommendations; Must have mental health counseling for co-dependency, individual or group; Long-Term Residential Program or New Beginnings.

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.


Tina M. Hurley, Chair


Date