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PAROLE BOARD

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DECISION

IN THE MATTER OF

ROBIN MURPHY

F25652

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: March 13, 2012

DATE OF DECISION: October 18, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall.

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Robin Murphy pled guilty to the second-degree murder of Karen Marsden on January 14, 1981 in Bristol Superior Court and was sentenced to life in prison with the possibility of parole. Ms. Murphy was indicted for first-degree murder and 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. Ms. Murphy is 49 years old. She was 17 years old when Ms. Marsden, age 20, was murdered on February 8, 1980 in Westport. The victim was brutally beaten and decapitated.

Carl Drew was a Fall River pimp who also led a satanic cult. Karen Marsden lived with and worked for Drew. Robin Murphy was an active participant in the Fall River group of pimps, prostitutes and drug abusers that included Mr. Drew and Ms. Marsden. According to Robin Murphy, she and Karen Marsden were present on October 12, 1979 when Carl Drew murdered Doreen Levesque.

Karen Marsden broke off her personal and prostitution relationships with Carl Drew. Mr. Drew was angry over these developments and spoke several times about killing Ms. Marsden. Drew also feared she might cooperate in the investigation of the Levesque murder that she witnessed. Beginning in December 1979, Ms. Marsden and Ms. Murphy were in a relationship and living together in the Fall River area. They also worked together in the prostitution business.

On the evening of February 8, 1980, Ms. Murphy and Ms. Marsden were in a car with Carl Drew, Carl Davis, and Carol Fletcher. Ms. Fletcher, at the direction of Mr. Davis, drove to Family Beach in Westport. Once at a wooded location Mr. Drew ordered Ms. Murphy 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 the victim and struck her with rocks. Mr. Davis handed Ms. Murphy a knife and Mr. Drew told her to cut Ms. Marsden's throat. Ms. Murphy slit the throat of Ms. Marsden.

After Ms. Murphy cut the victim's throat Mr. Drew snapped the victim's neck. Mr. Drew then took off the victim's pants and Ms. Murphy committed an act of sexual assault on Ms. Marsden's body. Mr. Drew cut the victim's head off and told Ms. Murphy to pull the victim's hair out of her head. Ms. Murphy pulled clumps of hair. Mr. Drew took the victim's head and kicked it. He went to the victim's body and took his knife and made an "X" on her chest. Mr. Drew took the victim's blood and put some on Ms. Murphy's forehead and stated "Now, you're one of us."

Ms. Fletcher, Ms. Murphy, Mr. Davis and Mr. Drew left the area and went back to the car. Once in the car Mr. Drew told Ms. Murphy not to tell anyone what happened and removed the blood from her forehead with his hand.

Some months later, Mr. Drew admitted to Lea Johnson, who was then working for and living with Drew, that he had killed "a girl" in the presence of Ms. Murphy, Mr. Davis and another woman. He recounted in detail how she had been killed, and told Ms. Johnson that he had killed the girl "because she wanted to leave the cult" and that "he wanted her to feel pain." Ms. Murphy made incriminating statements to multiple friends who later reported those statements to police.

Robin Murphy testified at Carl Drew's trial for the murder of Karen Marsden. Ms. Murphy testified that she and Ms. Marsden witnessed Carl Drew murder Doreen Levesque and that she participated with Carl Drew in killing Ms. Marsden. Carol Fletcher also testified that she witnessed the brutal and deviant acts committed by Carl Drew and Robin Murphy as they killed Karen Marsden. The jury convicted Carl Drew of first-degree murder on March 13, 1982. Carl Davis was convicted of two counts of assault and battery with a dangerous weapon and he completed his 7 to 10 year sentence in 1987.

Within months of the Carl Drew trial, Robin Murphy began a bizarre series of recantations followed by recantations of the recantations. Her zigzags, U-turns, and reversals are very difficult to follow but the conclusion is clear: Robin Murphy was a dangerously selfish person who had little concern for the victims, the victim's families, justice, the criminal justice system, or the people (mostly law enforcement) whose reputations she tried to smear with her lies. At this parole hearing and future hearings, it will always be a question of how successfully has she rehabilitated from this nadir of broken character that existed at the time of the murder and the recantations.

In June 1981, Robin Murphy recanted her testimony about the Levesque and Marsden murders. Within weeks, however, she reaffirmed that she gave truthful testimony concerning the Marsden and Levesque murders. Over a year later, on December 19, 1982, she recanted again on the Levesque murder but did not recant the Marsden testimony. Carl Drew filed a motion for new trial for which there was an evidentiary hearing in July 1984. At the hearing, Ms. Murphy testified she was not present for the Levesque murder but she did participate with Carl Drew in murdering Karen Marsden. A Superior Court judge found in 1984 that Robin Murphy's recantations are "lies" and her recantation testimony is "wholly unbelievable." The judge found that Ms. Murphy made false recantations and perjured herself at the motion for new trial hearing because she was serving her sentence and did not want other inmates to view her as a cooperating government witness. Carl Drew has filed other motions for new trial based in part on Robin Murphy's recantation. All of Drew's motions for new trial have been denied and he remains incarcerated.

Robin Murphy was also involved in a case involving the murder of Barbara Raposa in Fall River on February 7, 1979. Robin Murphy was present and played a role in a killing committed by Andre Maltais. Ms. Murphy was given immunity in exchange for her testimony at the trial in which Maltais was convicted of first degree murder. She has never recanted this testimony and Maltais was incarcerated until his death in 1998.

II. PAROLE HISTORY

Ms. Murphy's initial parole hearing was held on May 2, 1995. At this hearing, Ms. Murphy denied that she witnessed or participated in the murder of Karen Marsden. She has maintained this position at all her parole hearings. This position is in conflict with her testimony at her plea hearing and at Carl Drew's trial and his motion for new trial. Her parole testimony is also in conflict with abundant evidence introduced at Carl Drew's trial, including Carol Fletcher's testimony describing Ms. Murphy's participation. Parole was denied noting that despite overwhelming evidence, Ms. Murphy denied responsibility for the savage death of Karen Marsden. The Board believed that release would place the community at risk and that she is in need of further rehabilitative services. A review was set for May 1998.

Ms. Murphy next saw the Parole Board on May 18, 1998 for a review hearing. Parole was denied noting the nature of offense and Ms. Murphy's questionable credibility at the parole hearing. A review was set for May 2002.

On May 9, 2002 Ms. Murphy appeared before the Board for the third time. Parole was denied noting that although Ms. Murphy has made strides in development during her incarceration the majority of the Board had serious doubts about her rehabilitation and the ability to conform in society given her current attitude towards the crime.

Ms. Murphy filed a motion to withdraw her guilty plea in 2002 in Bristol Superior Court. She filed a sworn affidavit to support the motion. In the affidavit she admitted she was present for the Marsden murder. As her lawyer wrote in the motion, Ms. Murphy in her affidavit admitted she "acted in collusion" with the other perpetrators; she claimed that her co-perpetrators slit the throat and decapitated the body; she admitted to "performing further acts on the victim." The motion for new trial did not inform the court that Ms. Murphy was making materially inconsistent statements at her parole hearings. The motion was denied.

Ms. Murphy appealed to the Board after the 2002 denial. The Board granted an appeal hearing and on April 24, 2004 the Board voted to parole Ms. Murphy to a long term residential program. The Board stated in its decision, "Although the Board does not believe Ms. Murphy's recent account of the governing offense, the majority of the Board believes that she has rehabilitated to the point where she can return to the community."

Ms. Murphy was paroled from MCI-Framingham on June 10, 2004 to the Shepherd House from which she graduated and subsequently moved to the Yetman House to help with her reintegration. She successfully completed an apprenticeship program through the Highway Department, at which time she was accepted into the Women in the Massachusetts Building Trade program. She worked as a plumber, and after a period of unemployment, worked as an electrician. She was unable to maintain employment as an electrician and resorted to a series of part time jobs in different fields. In February 2009 Ms. Murphy obtained employment with the Interstate Department in the Massachusetts Office of Workforce Development, answering phones and helping callers. She held this job until her return to custody.

Ms. Murphy met with her counselor once or twice a month while on parole. She did not attend any other meetings. She was treated for Hepatitis C over the course of a year or two, for which she was prescribed Oxycodone and other medications. She says that she never filled her prescriptions.

While on parole, Ms. Murphy received a warning on March 31, 2006 for her association with a known felon. Ms. Murphy was using that person's address as her mailing address for the RMV. On August 9, 2007 she received a graduated sanction for a speeding ticket she received in New Hampshire; she was cited for driving 92 mph in a 65 mph zone.

On July 19, 2011 Ms. Murphy was pulled over by Chelsea Police with a known felon, who was in the passenger seat of her car with heroin in her purse, following a suspected drug transaction that took place in Ms. Murphy's car. The passenger admitted to police that a heroin transaction had just occurred in the car. Ms. Murphy failed to notify her parole officer of this contact with law enforcement. Parole received information on August 13 which was confirmed on August 15 that Ms. Murphy would be summonsed to appear in Chelsea District Court in connection with the alleged heroin transaction in Chelsea on July 19. On August 15, 2011, Robin Murphy was returned to custody for violating parole by associating with a known felon, irresponsible conduct on July 19 for her connection to the heroin transaction, and failure to report the Chelsea incident to her parole officer.

III. INSTITUTIONAL ADJUSTMENT

Ms. Murphy was incarcerated in January 1981 when she was 18 years old. From 1981 to 2004 (when she was paroled), she incurred 36 disciplinary reports and three returns to higher security. Two of the higher security transfers were for having positive urines for marijuana and the third was due to a parole denial. She has not had any infractions since her return to custody in 2011.

Since the beginning of her incarceration Ms. Murphy was involved in numerous programs at MCI-Lancaster and MCI-Framingham. Her accomplishments included earning a Bachelor of Arts degree from Boston University, completing the Correctional Recovery Academy and the Graduate Maintenance Program, Alternatives to Violence, and participation in AA/NA. Ms. Murphy maintained daily employment in the maintenance department and volunteered in the Health Services Unit on weekends.

Since being returned to custody, Robin Murphy is working in the maintenance department, as well as auditing Boston University computer classes and attending church-related offerings.

IV. PAROLE HEARING ON MARCH 13, 2012

Robin Murphy appeared before the Parole Board on March 13, 2012 seeking re-parole after her revocation for multiple violations. Ms. Murphy maintained that she perjured herself at trial when she described participating in the murder. She claimed an altruistic reason for her perjury: by placing herself at the scene she could provide testimony to convict two very dangerous men who needed to be incarcerated for the safety of others.

Ms. Murphy's assertions are in direct conflict with Ms. Murphy's plea and conviction, her testimony at the Drew trial, several other statements she gave to police, the findings of the judge who observed her at Drew's motion for new trial hearing, the testimony of Carol Fletcher at the Drew trial, and the admissions Ms. Murphy made to friends. Parole Board Members, therefore, did not credit these assertions.

Concerning her recent revocation, Ms. Murphy stated her association with a drug addict and felon was on-going and her motive was purely altruistic. She was aware that she was in violation of the conditions of parole but insisted on helping the person with her addiction. She denied that a heroin transaction occurred in her car.

Ms. Murphy was represented at her parole hearing by Attorney Neal McDevitt. Her stepmother and a friend spoke in support of her parole. The Bristol County District Attorney maintains a strong opposition to the parole of Ms. Murphy, and Assistant District Attorney Dennis Collins spoke in opposition.

V. DECISION

Robin Murphy pleaded guilty in 1981 to the second-degree murder of Karen Marsden. For the next two decades she has tortured the victim's families and the interests of justice with a series of recantations, reversals, and reaffirmations. She worked steadily, however, at the Department of Correction to improve her conduct and made substantial progress which led to her parole. She received parole in 2004 but was revoked in August 2011 because of parole violations associated with a heroin transaction. Ms. Murphy has compiled a long history of criminal conduct, bizarre behavior, and prevarication. This psychological and behavioral profile is not well-suited for parole supervision in the community. Based on Ms. Murphy's history of repetitive lying, it would be hard for a Parole Board Member or a parole officer to believe anything she said concerning her criminal conduct or her parole violations.

For the purpose of making this decision, the Parole Board does not need to re-examine that facts of the Fall River murders. Our inquiry is limited to the events that led to Ms. Murphy's revocation and her current suitability for parole. Robin Murphy was connected to a drug transaction on July 19, 2011, she did improperly associate with a known felon during the commission of a drug sale, and she intentionally hid this information and her criminal charges from her parole officer. Ms. Murphy compounded these errors by providing incomplete and inaccurate information at her parole revocation hearing and this parole hearing. Parole Board Members concluded that she lied at this hearing about the events of July 19, perhaps to cover up ongoing drug use.

Robin Murphy was involved in a drug transaction as a participant, a facilitator, or a concealer. She has refused to reveal the truth to her parole officer or the Parole Board. She is trustworthy neither as a person or a parolee. She would be likely to re-offend if released on parole and her parole is not compatible with the welfare of society. Accordingly, parole is denied. Because Ms. Murphy shows no inclination to deal honestly with the Parole Board or to address her own issues that led to her involvement with a drug transaction, *she* needs considerable time to set and meet rehabilitative goals. The review, therefore, will be in five years. Ms. Murphy will have the opportunity to reconnect with the rehabilitative path that led to her first parole and focus on reforming her habit of lying that has contributed to her inability to conform to the requirements of parole supervision in the community.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Timothy V. Dooling, General Counsel

10/18/12
Date