

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

STARLEEN RUTKOWSKI

F80546

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **February 11, 2021**

DATE OF DECISION: **August 11, 2022**

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 the 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. Parole is denied with a review scheduled in 2 years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On June 19, 2006, in Hampden Superior Court, a jury found Starleen Rutkowski guilty of first-degree murder in the death of Richard Rutkowski. She received a life sentence without the possibility of parole. Ms. Rutkowski appealed her conviction. In *Commonwealth v. Rutkowski*, 459 Mass. 794 (2011), the Supreme Judicial Court found that the trial judge had failed to properly instruct the jury to consider the defendant's mental condition in deciding whether the murder was committed with extreme atrocity or cruelty. The Court remanded the case back to Superior Court, where her conviction was reduced to second-degree murder with the possibility of parole.

¹ One Board Member voted to grant parole to a mental health residential facility.

On August 17, 2004, Starleen Rutkowski (age 46) murdered her husband, 50-year-old Richard Rutkowski. Mr. Rutkowski had a history of mental illness and was disabled due to partial paralysis on one side of his body. That afternoon, Ms. Rutkowski and her husband went fishing. An argument ensued between them, and Mr. Rutkowski walked away. After an unsuccessful search, Ms. Rutkowski eventually drove to their apartment in Palmer without him. At about 6 p.m., Mr. Rutkowski appeared in the parking lot outside the couple's residence. Ms. Rutkowski rushed outside, demanding to know how he had arrived home. When he didn't answer, she told him that she was "kicking [him] out" of the apartment. Neighbors heard her screaming that he would no longer need his personal belongings because "he was going to be dead very soon." Ms. Rutkowski then went into their apartment and threw Mr. Rutkowski's belongings down the stairs. She also removed his belongings from their van and threw them in a nearby dumpster. After Ms. Rutkowski drove away in the van, she returned and deliberately ran over her husband approximately five times. She then parked the van and told a neighbor "to [g]et back into [her] own apartment," or she was going to be next.

When police arrived and found the victim lying on the ground, an officer asked Ms. Rutkowski if she saw what had transpired. She said, "Yes, I did. I ran him over. We had what you'd call a domestic situation here." Ms. Rutkowski was placed under arrest. Mr. Rutkowski was taken to the hospital, where he died shortly thereafter.

II. PAROLE HEARING ON FEBRUARY 11, 2021²

Starleen Rutkowski, now 63-years-old, appeared before the Parole Board for her initial parole hearing on February 11, 2021. She was represented by Attorney Laura Mannion. In her opening statement, Ms. Rutkowski thanked the Board for the opportunity to be considered for parole. Upon questioning, Ms. Rutkowski explained that, at age 12, her biological mother took her to a park in Indiana and left her there. She was eventually placed in an orphanage and then in foster care. Ms. Rutkowski reported that, although she acted out aggressively, she was not provided mental health counseling. At age 16, she became engaged and moved in with her fiancé. Although they never married, she had two sons with him. Her fiancé was a violent binge drinker, who would disappear for days at a time. Ms. Rutkowski reported that, in 1976, she and her fiancé were in a serious car accident that left her with brain trauma and severe headaches. They separated in 1979, and she surrendered her parental rights to the children's father after becoming very ill in 1981. She claims to have had no contact with her sons for over 25 years.

Ms. Rutkowski went on to marry two more times before she met Mr. Rutkowski in a Salt Lake City homeless shelter, where she resided to escape the abuse of her previous husband. After their marriage, she hoped to reunite with her sons, but Mr. Rutkowski forced her to move to Massachusetts in 2003. Ms. Rutkowski felt isolated, complaining that her husband would "take off without telling anyone where he was going," and she feared for his safety. When Board Members questioned her as to the events surrounding the governing offense, Ms. Rutkowski explained that she and her husband had gone fishing on a lake. After Mr. Rutkowski walked away, she spent all day looking for him. Eventually, when driving back to their apartment, she came around the corner and "hit something. It was like a flash. He ran out in front of me. I heard a crash on the windshield. He fell off the car, and the car went up on the

² The entire video recording of Ms. Rutkowski's February 11, 2021 hearing is fully incorporated by reference to the Board's decision.

curb, and then I backed off the curb." A Board Member noted that witnesses had seen the two arguing in the parking lot, as well as Ms. Rutkowski throwing her husband's clothes on the street. Although Ms. Rutkowski claims that she cannot remember whether she ran her husband over on purpose, she takes full responsibility for her actions. She was angry and anxious about "why he took off, why he kept doing it," as it brought back strong emotions of abandonment.

When the Board discussed her history of mental health issues, Ms. Rutkowski explained that she sought mental health counseling in Salt Lake City after her first husband died. She was diagnosed with Bi-polar Disorder and put on medication for symptoms of stress, anger, aggressiveness, low serotonin, and migraines. She claimed that Mr. Rutkowski insisted she stop taking her medication because she "now she had a husband." After 6 months off her medication, Ms. Rutkowski's symptoms came back. Ms. Rutkowski maintained that she was off her medications at the time of the murder. After her arrest, Ms. Rutkowski explained that she benefitted from new medications and mental health programs, while incarcerated.

The Board noted Ms. Rutkowski's difficult institutional adjustment, having incurred disciplinary reports for fighting, assaults, and threats. In particular, she was sanctioned for fighting, and for verbally assaulting, a staff member in 2020. Ms. Rutkowski explained that it was not always possible to walk away from violent confrontations in prison. Ms. Rutkowski hopes to be paroled to Boston. She noted, however, that she has no friends or family, or a support network in Massachusetts, and would need help from the Department of Mental Health (DMH).

There was no testimony in support of, or in opposition to, parole. The Hampden District Attorney's Office submitted a letter of opposition.

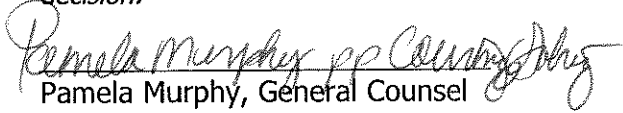
III. DECISION

The Board is of the opinion that Starleen Rutkowski has not yet demonstrated a level of rehabilitative progress that would make her release compatible with the welfare of society. Parole is denied with a review in two years. Ms. Rutkowski has engaged in some programming, but still has difficulty in learning to cope with her anger. This is evidenced by her disciplinary history, including her recent disciplinary report in January of 2020, involving an aggressive incident with another inmate. She is encouraged to engage in all available programming and maintain a positive adjustment. She is encouraged to work with DMH to establish a structured reentry plan that will meet her needs.

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

Ms. Rutkowski'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. Rutkowski to continue working towards 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

8/11/22
Date