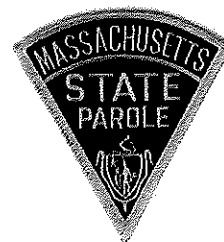


*The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security*



**PAROLE BOARD**

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**DECISION**

**IN THE MATTER OF**

**STEVEN RATHBURN**

**W55966**

**TYPE OF HEARING:** Review

**DATE OF HEARING:** June 25, 2019

**DATE OF DECISION:** April 24, 2020

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On February 23, 1994, in Worcester Superior Court, Steven Rathburn pleaded guilty to the second-degree murder of Robert Murray and was sentenced to life in prison with the possibility of parole.

On September 4, 1992, Steven Rathburn, Richard Johnson, and Robert Murray left Vermont together to go to Mr. Murray's land in Charlton, Massachusetts. The three men spent one night at the property. The next day, Mr. Murray took Mr. Rathburn and Mr. Johnson to his friend's gun shop and, on the way back, Mr. Murray and Mr. Rathburn argued. Once back on his property, Mr. Murray took Mr. Rathburn to show him an area where they could place a trailer. Mr. Rathburn then shot Mr. Murray three times. After the murder, Mr. Rathburn and Mr. Johnson took Mr. Murray's truck and, eventually, went to New York City. On November 21,

1992, Mr. Murray's body was discovered by hunters in the woods. During the course of the investigation, Mr. Rathburn was identified as a suspect in the murder.

At some point, Mr. Rathburn went to Florida, where he and William McMillan robbed a car salesman during a test drive of a vehicle. Mr. Rathburn received two 25 year sentences and two 5 year sentences for convictions arising out of this incident. Mr. Rathburn then fled to Oklahoma and, on January 25, 1993, he was arrested for the armed robbery of two convenient stores. Mr. Rathburn received two consecutive life sentences for the robberies. On January 26, 1993, a Worcester police officer and a Massachusetts state trooper traveled to Oklahoma to interview Mr. Rathburn, who confessed to murdering Mr. Murray. Mr. Rathburn is currently serving his Oklahoma life sentences in a correctional facility in Oklahoma.

## **II. PAROLE HEARING ON JUNE 25, 2019**

Steven Rathburn, now 61-years-old, appeared before the Parole Board for a review hearing on June 25, 2019, via video conference. He was not represented by counsel. Although initially eligible for parole in 2009, Mr. Rathburn waived both his 2009 and 2014 hearings. When questioned about his long history with anger, Mr. Rathburn told the Board that he was removed from his home and placed in foster care due to his behavior and his anger issues, admitting that he exhibited violence towards his brothers and sisters. He denied, however, having any anger issues within the last 5 years.

In discussing the governing offense, Mr. Rathburn expressed his remorse for murdering Mr. Murray, but clarified that he became remorseful "a couple of years ago." When Board Members asked him what changed, Mr. Rathburn stated that he "gave [his] life to Christ." He told the Board that he killed Mr. Murray "to take his money." A Board Member then pointed out that this explanation was inconsistent with what he told detectives. Mr. Rathburn denied ever speaking with Massachusetts detectives in Oklahoma and opined that the statements could have been made by Mr. Johnson. Mr. Rathburn said that after the murder, he went to New York, North Carolina, and Florida. In Florida, he and another individual, William McMillan, went to a car dealership and asked to test drive a vehicle with the intent of stealing it. They left the car salesman on the side of the road and fled with the vehicle. The two men went to Oklahoma, where they ran out of money and robbed a convenience store. Mr. Rathburn claimed that Mr. McMillan had an "imitation gun" during the robbery.

When Board Members discussed his extensive criminal history, Mr. Rathburn stated that he was a person who "couldn't stay in one spot for too long and was always moving around." He was "always trying to hustle people and take people's money in order to survive." Mr. Rathburn told the Board that during his first 15 years of incarceration, he was "a bad person." He described how he used and sold drugs and engaged in fighting. His most recent disciplinary report, in 2015, was for tattooing. Mr. Rathburn said that he is currently involved with his church and assists in the elderly unit. When asked why he should be granted parole, Mr. Rathburn told the Board that "during the last 10-12 years [he] has become a better person." A Board Member inquired, however, as to why he only became remorseful two years ago. Mr. Rathburn responded that, over the last 10 years, he didn't start "following the rules" or "doing the things [he was] supposed to do" until approximately the last 2 ½ years. Mr. Rathburn also stated that he has been in contact with his mother, sister, and two of his brothers since first contacting them approximately two years ago.

The Board considered oral testimony and letter of opposition from Worcester County Assistant District Attorney Michelle King.

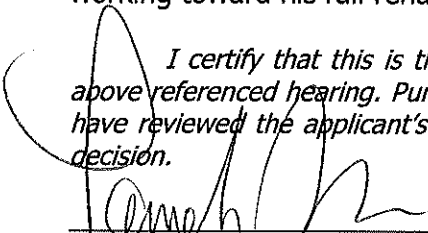
### **III. DECISION**

The Board is of the opinion that Steven Rathburn has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Rathburn has an extensive criminal history [and is a] multistate offender. Mr. Rathburn has engaged in minimal rehabilitative treatment [and] programming to address his causative factors.

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

Mr. Rathburn's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Rathburn to continue working toward his 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

  
\_\_\_\_\_  
Date