

Commonwealth of Massachusetts

Bristol, ss.

Indictment No.

Commonwealth

v.

Carl Drew

Affidavit of John Talbot

I, John Talbot, being first duly sworn, do depose and say:

1. I am General Counsel to the Massachusetts Parole Board.

2. Attached, as Exhibit No. 1, is a true copy of a January 26, 2004 letter from the Board to Bristol District Attorney Paul Walsh concerning an appeal hearing for Robin Murphy.

3. The Board "invited [the District Attorney] to attend this hearing and present testimony either orally or in writing, regarding the offense, suitability for parole releases and any other relevant matter."

4. Attached, as Exhibit No. 2, is a true copy of a March 1, 2004 letter from the Bristol District Attorney to the Board.

5. The Board's invitation to attend and present testimony does not entitle invitees to participate in the conduct of the hearing. The Board does not permit invitees to cross-examine witnesses.

6. Attached, as Exhibit No. 3, is a true copy of the Board's April 21, 2004 Record of Decision in the Matter of Robin Murphy



Subscribed and sworn, under the pains and penalties of
perjury, on October 22, 2004.


John Talbot



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

Parole Board

45 Hospital Road, Building B-3
Medfield, Massachusetts 02052

Telephone # (508) 242-8001

Facsimile # (508) 242-8100



Maureen E. Walsh
Chairman

Don Giachoppo
Chief of Staff

January 26, 2004

Jan 23 2004

Paul Walsh Jr.
District Attorney of Bristol County
888 Purchase Street
New Bedford, MA 02740

RE: Robin Murphy
DOB: 10-24-62

Dear District Attorney Walsh,

Please be advised that in accordance with Massachusetts General Laws, Chapter 127, Section 133a, the Massachusetts Parole Board will conduct an appeal hearing on the above named individual. This hearing has been scheduled for March 23, 2004 at 2:00PM, at the Old Colony Correctional Center Minimum Visiting Room, Building #8, Bridgewater, MA.

Ms. Murphy was sentenced to Life, 2nd degree in Bristol Superior Court on January 14, 1981 for the crime of Murder, indictment #6299. Under the provisions of the General Laws, Ms. Murphy was eligible for parole consideration after fifteen years. The victim of this offense was Karen Marsden. The offense occurred in Fall River, MA.

You are invited to attend this hearing and present testimony orally or in writing, regarding the offense, suitability for parole releases and any other relevant matter. Further, please notify me of any post sentencing motions, i.e. appeals, motions to revise and revoke, or post conviction relief currently pending that may still impact Ms. Murphy's sentence. Also a copy of the autopsy report would be greatly appreciated. Please notify this office in advance if you plan to attend and/or participate in this hearing.

If you have any questions or concerns, please do not hesitate to contact me at (508) 242-8127.

Sincerely,

Tina M. Hurley ak
Tina M. Hurley
DIRECTOR OF TRANSITIONAL SERVICES

FEB 10



The Commonwealth of Massachusetts

OFFICE OF THE
DISTRICT ATTORNEY
BRISTOL DISTRICT

PAUL P. WALSH JR.
DISTRICT ATTORNEY

880 PURCHASE STREET
P. O. BOX 973
NEW BEDFORD, MASS 01941
508 927-0711

March 1, 2004

Tina M. Hurley
Director of Transitional Services
Executive Office of Public Safety—Parole Board
45 Hospital Road, Building B-3
Medford, MA 02052

Re: Robin Murphy, DOB 10-24-62

Dear Ms. Hurley:

Thank you for informing us of Robin Murphy's upcoming appeal hearing before the Parole Board on March 23, 2004, and for inviting our participation.

The Bristol District Attorney's Office opposes, in the strongest terms possible, any efforts by Ms. Murphy to be released from incarceration.

As you are well aware, Ms. Murphy is currently serving a life sentence for the 1980 murder of Karen Marsden, a young woman from Fall River, Massachusetts. Ms. Marsden's murder remains among the most horrific cases this Office has ever prosecuted. Ms. Murphy and co-defendant Carl Drew murdered Ms. Marsden on the night of February 8, 1980, in the woods of Westport, Massachusetts. After dragging Ms. Marsden into the woods by her hair, Ms. Murphy and Drew proceeded to savagely beat her with rocks and cut off several of her fingers while she was still alive. Ms. Murphy then slit Ms. Marsden's throat so deeply that Drew was able to forcibly remove Ms. Marsden's head from her body. Ms. Murphy then performed oral sex on the body, and the head was kicked around. The only part of Ms. Marsden's body ever recovered was a portion of her skull some two months later.

In January 1981, the Bristol District Attorney's Office permitted Ms. Murphy to plead guilty to second degree murder in exchange for her testimony at Drew's trial. Drew was convicted of first degree murder in March 1981 and remains incarcerated to this day.

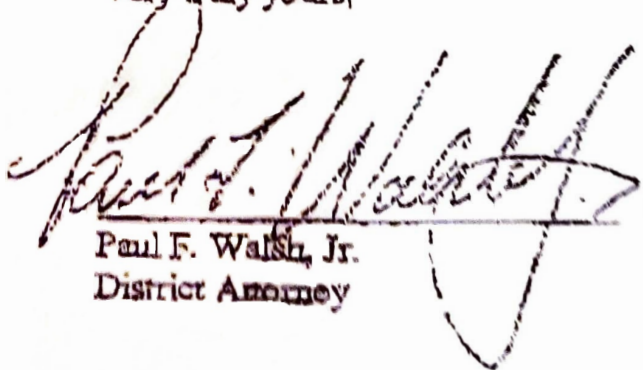
However, Ms. Murphy has been trying since 2002 to have her conviction overturned. She filed a motion for new trial on December 30, 2002, claiming there were legal defects in her plea colloquy. Her motion was denied in May 2003. Ms. Murphy then appealed the denial of her motion to the Massachusetts Appeals Court, and her appeal is currently pending.

In our view, Ms. Murphy's attempts to overturn her conviction indicate her unwillingness to accept responsibility for her key participation in Ms. Marsden's brutal murder. This, combined with the horrendous nature of the murder, warrants her continued incarceration.

Per your request, I have enclosed a copy of Ms. Marsden's autopsy report (3 pages), as well as copies of Ms. Murphy's appellate brief (blue cover) and the Commonwealth's appellate brief in opposition to the appeal (red cover). If you need any additional materials, or if I can be of further assistance in any way, ... please feel free to contact me.

Thank you for your time and efforts.

Very truly yours,



Paul F. Walsh, Jr.
District Attorney

enc.



Mitt Romney
Governor

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Edward A. Flynn
Secretary

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Parole Board

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Maurice E. Walsh
Chairman

Donald V. Ciancioppo
Chief of Staff

RECORD OF DECISION

IN THE MATTER OF

ROBIN MURPHY

F-25652

TYPE OF HEARING: Reconsideration

DATE OF HEARING: March 23, 2004

DATE OF DECISION: April 21, 2004

PARTICIPATING BOARD MEMBERS: Daniel Dewey, Doris Dottridge, Joyce Hooley, Candace Kochin, Deborah McDonagh, Thomas F. Merigan, Jr., Maureen Walsh

DECISION OF THE BOARD: Reserve 5/15/04 to a long term residential program. 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 be returned to the community. She has been involved in programs, has strong community support and appears to have rehabilitated.

Special conditions: Waive work for program. Supervise for drugs; testing required. Supervise for liquor abstinence; testing required. Report to assigned MA Parole Office on day of release by phone. No contact with victim's family. Must have mental health counseling for transition purposes. Must participate in individual and/or group substance abuse counseling. Must complete long term residential program.

Board Member 1: [Concur.]
Board Member 2: Concur.
Board Member 3: Concur with final vote.
Board Member 4: Concur w/final vote. Curfew at discretion of P.O. [parole officer].
Board Member 5: Concur.
Board Member 6: Denied. Review in 5 years.
Board Member 7: Abstain.

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

Donald V. Ciancioppo
Chief of Staff

4/30/04
Date