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'Cult murders' killer Murphy wants new trial

Thursday April 24, 2003 Robin Marie Murphy

The Standard-Times, Apr. 22, 2003

<http://www.southcoasttoday.com/>

By CURT BROWN, Standard-Times staff writer

NEW BEDFORD — After serving 22 years of a life sentence, a former Fall River woman — a co-conspirator in the so-called "cult murders" in 1979 and 1980 — will be in Superior Court tomorrow to request a new trial.

Robin Marie Murphy, 18 when she pleaded guilty to second-degree murder in a plea bargain with prosecutors, will ask a Superior Court judge to grant her a new trial because of "serious mistakes and omissions" she alleges her trial attorney made.

Ms. Murphy admitted in January 1981 that she slit the throat of Karen Marsden, a 20-year-old Fall River woman, and others struck the victim's head with rocks on Feb. 8, 1980, in a secluded area of the north end of Westport.

Ms. Murphy later testified against codefendant Carl H. Drew of Fall River, then 25, in the slaying of Ms. Marsden.

She also testified against Andre O. Maltais, 44, also of Fall River, who was convicted of the 1979 beating death of his girlfriend, 19-year-old Barbara Ann Raposa of Fall River, and later died in prison.

Investigators said the deaths of Ms. Marsden and Ms. Raposa, along with that of Doreen A. Levesque, a 17-year-old New Bedford girl who was found Oct. 13, 1979, were part of an effort to control the streets and prostitution trade in Fall River in late 1979 and early 1980.

Ms. Murphy later recanted her testimony against Mr. Drew, a factor cited by then-District Attorney Ronald A. Pina for dropping murder charges against Carl D. Davis for Ms. Marsden's death and William E. Smith and Mr. Drew for Ms. Levesque's slaying.

The court is scheduled to hear Ms. Murphy's motion at 2 p.m.

Ms. Murphy, now 40, is contending that her trial attorney, Kenneth L. Sullivan, now retired and living part of the year in Florida, wrongly advised her into believing she would be paroled "as a matter of routine" after serving 12 years.

"Ms. Murphy clearly did not understand the concept of a life sentence with eligibility for parole with her plea of guilty for murder in the second degree," her attorney, Greg T. Schubert of Springfield, wrote in his brief.

Mr. Sullivan, contacted last week at his home in Florida, denied the defense's allegation and said he properly advised Ms. Murphy.

Mr. Schubert wrote in his brief that Mr. Sullivan "made references to promises that he knew were untrue. There is no escape from the fact that attorney Sullivan, rightly or wrongly, led Ms. Murphy to believe she would only serve 12 years."

In Massachusetts, a defendant who is convicted of second-degree murder receives a life prison sentence and is eligible for parole after serving 15 years. There is no possibility of parole for a defendant convicted of first-degree murder.

Mr. Sullivan said he told Ms. Murphy the parole eligibility for second-degree murder is 15 years, but the board might grant it in 12 years.

Prosecutor Adam T. Narris said the evidence against Ms. Murphy was "overwhelming," complete with statements and confessions she made. Mr. Narris also questioned the timing of the defense, coming after she has completed 22 years of her sentence.

"The defendant was not induced to plead guilty by coercion or promises. She knowingly and voluntarily pleaded guilty to second-degree murder after consulting with counsel. Given the evidence against her, and the strong likelihood that she would be convicted of first-degree murder, her decision was reasonable," Mr. Narris wrote in his brief.

"She accepted the terms of that plea for 22 years, suggested that at the time it was made she was satisfied, but now is unhappy because she has not yet been released," he wrote.

David Goggin, a spokesman for the Executive Office of Public Safety, said yesterday the Parole Board has denied Ms. Murphy parole three times since she first appeared before it in 1995.

The Parole Board denied her in 1998 and on May 9, 2002. Her next eligibility date is May 2005.

Mr. Sullivan said he told Ms. Murphy the key difference in second-degree murder is that she would be eligible for parole, but it would be at the discretion of the Parole Board. If granted parole, she would be on parole for life, he said he told her.

Henry Scammell, who wrote the book, "Mortal Remains," about the cult murders, described Ms. Murphy as a smart woman with a great potential for manipulation.

"Of the people involved in the case, my impression as a writer was the most culpability lied with Robin Murphy of the four people who were principally involved in the killing" of Ms. Marsden, he said. "Everyone who knew her feared her."

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Religion News Blog posted this on Thursday April 24, 2003.
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