

COMMONWEALTH OF
MASSACHUSETTS

2A

SUPERIOR COURT
NO: 6298

BRISTOL, SS.

COMMONWEALTH)

vs.)

CARL H. DREW)

AFFIDAVIT OF ROBIN MURPHY

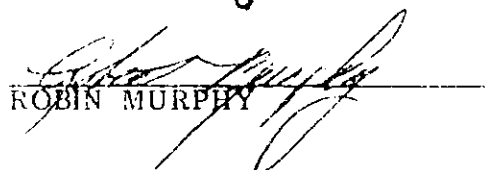
I, ROBIN MURPHY, on oath depose and say as follows:

- 1.) I was not present at the athletic field behind the Diman Regional Vocational Technical High School in Fall River, Bristol County, Massachusetts, on October 13, 1979, when Doreen Levesque was allegedly murdered.
- 2.) On or about April 29, 1980, I had returned to Massachusetts from Texas and met at the District Attorney's Office in New Bedford with District Attorney Ronald A. Pina, Sgt. Daniel Lowney, and Trooper Paul Fitzgerald, of Massachusetts State Police and others. On that date, I told the District Attorney and the others that I was not present when Doreen Levesque was allegedly murdered at the athletic field behind Diman Regional Vocational Technical High School on October 13, 1979.
- 3.) On May 2, 1980, I again was taken to the District Attorney's Office in New Bedford; and again I told District Attorney Ronald A. Pina that I was not present when Doreen Levesque was allegedly murdered behind Diman Regional Vocational Technical High School in Fall River, but that I had heard what had happened from talking with Karen Marsden. District Attorney Pina said to me, "I know you were present. If you say you weren't present, that will do us no good. We can't put that into evidence. I know you were present. You just tell us. You know nothing will happen to you." Pina said to me, "You have to say you were there for it to be any good." He told me that I would not go to jail, and it would be to my benefit if I said I was present when Doreen Levesque was murdered. He said that nothing would happen to me.

On the basis of what Pina told me, I said that I would say that I was present when Doreen Levesque was murdered; and I did this not because I was there, but because the District Attorney had made these promises to me.
- 4.) In January of 1981, I pleaded guilty to the murder of Karen Marsden, and was sentenced to life imprisonment for second degree murder. My understanding was that the District Attorney would do something for me to have this sentence reduced or overturned if I testified in the case of the Commonwealth vs. Carl H. Drew for the murder of Karen Marsden.

5.) In March of 1981, I was taken from M.C.I. Framingham to the Worcester County Superior Court House in Fitchburg to testify in the trial of Carl H. Drew for the murder of Karen Marsden. Approximately a half an hour before court started, I was taken into a room in the Superior Court House; and Assistant District Attorney David Waxler came in to see me. I had seen Mr. Waxler before when I appeared before the Grand Jury and when I had pleaded guilty, but I had not gone over my testimony in the Marsden murder with him prior to that day. I knew at that time that I had been granted immunity in the Levesque murder, and when Mr. Waxler came over to me, he asked me about the Doreen Levesque murder. I told him, "I already told you people that I was not present when that happened." Waxler then left the room and came back in with District Attorney Ronald A. Pina. Pina was in the room for approximately two minutes, and I was again asked about the Levesque murder, and I repeated that I had told them that I was not present when that happened. Pina then walked over to the other side of the room and talked with Waxler. I couldn't hear what they said. The Transportation Officer from M.C.I. Framingham at this time was on the opposite side of the room from Waxler and Pina. Pina left the room after talking with Waxler, and Waxler came over to me and said, "You know all the details so why don't you say you were there. It will be to your benefit." Based upon this, I then went out into the court room and was called as a witness, and within an hour of my conversation with Waxler and Pina, I testified on the stand that I was present when Doreen Levesque was murdered.

SWORN and subscribed to this 25th day of July, 1983.


ROBIN MURPHY

C O M M O N W E A L T H O F M A S S A C H U S E T T S

Middlesex, S.S.

Framingham, July 25, 1983

Then personally appeared the above-named ROBIN MURPHY and on oath swore and deposed that the foregoing was true and complete, before me


Dorothy E. Donovan
Notary Public
My Commission Expires 1/1/84