



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

BENJAMIN MURRAY

W66679

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: November 15, 2012

DATE OF DECISION: December 27, 2012

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Sheila Dupre, Roger Michel, Lucy Soto-Abbe, Josh Wall. Cesar Archilla and Ina Howard-Hogan did not participate due to recusal.

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Benjamin Murray was raised in a middle class household in Beverly. His mother, Gail Murray, was a middle school teacher in Beverly and his father was an executive in the telecommunications industry. He graduated from Beverly High School and completed a postgraduate year at prep school. His life circumstances deteriorated precipitously at age 19 due to heavy alcohol and drug use, violent episodes, and depression. The violent episodes included beating his brother and breaking his eye socket, and beating and kicking a friend to the point of unconsciousness.

On the afternoon of December 23, 1997, Murray attacked and killed his mother in their Beverly home. There was no one home other than Benjamin Murray and Gail Murray. She tried to escape his fury by locking herself in the bathroom but Murray kicked in the door and continued the assault. Murray stabbed his mother 32 times in the neck, chest, abdomen, and back, and caused a skull fracture, multiple rib fractures, and a lacerated liver by beating her

(evidently with a hammer). Murray maintains that he had a psychotic break during the crime and has no memory of his motive or conduct.

II. PAROLE HEARING ON NOVEMBER 15, 2012

Benjamin Murray appeared for his first parole hearing after 15 years of incarceration. He stated that he has no memory of murder. He recalls that he returned home that day after quitting or losing his job but does not have real memories of what occurred in the house. He thinks his mother came home and he told her about the job loss, but has no memory of how or why he murdered her.

Murray graduated from Beverly High School and completed a postgraduate year at Avon Old Farms boarding school in Connecticut. He planned to attend UMass Amherst in the fall of 1997, but left during the orientation period. He said he was not ready for college and returned home to live with his mother and brother in Beverly. His parents were divorced. Gail Murray was a middle school teacher and his father worked in executive positions in telecommunications companies.

During his incarceration Murray has pursued his education through Boston University and Bunker Hill Community College. He received a bachelor's degree from Boston University in 2012. Murray has good behavior during his incarceration and has received only two disciplinary reports. He does not work in the institution. He has never completed a rehabilitative or self-help program.

Information provided to the Parole Board documents that in the few years before the murder Murray drank heavily, used drugs regularly, had episodes of considerable anger, engaged in some violent fights, was unable to accept or cope with a failed relationship, and had symptoms of depression. Despite these documented issues, Murray insisted at the hearing that he never had a problem with alcohol and did not have problems with anger or violence. He showed little recognition of risks associated with his mental health history.

Murray is an intelligent person with good family support. He is not, however, insightful about his own behavior. He denies or minimizes the negative behaviors he exhibited as a teenager. He displays little interest in or understanding of his mental health history or future. This is not an approach conducive to rehabilitation or parole supervision. Board Members questioned Murray about these issues, but were unable to penetrate the denial or spark any recognition that he has work to do.

Not surprisingly, given his lack of insight about his problems, Murray's parole plan does not address issues of mental health, substance abuse, or anger management. He has not completed any vocational programs in prison and he has no ideas about what employment he would seek or succeed at in the community.

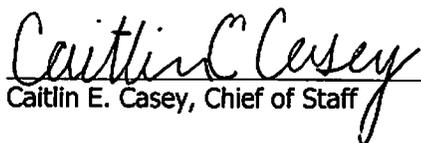
Five people spoke in support of parole, including Benjamin Murray's brother, father, aunt and a friend. Dr. Tali Waters reviewed records and three days before the hearing met with the inmate. She offered opinions that the murder resulted from a psychotic episode and that lack of memory can result from such an episode. Attorney Cory Madera represented Murray. Assistant District Attorney Marguerite Grant spoke in opposition to parole on behalf of the

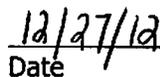
Middlesex District Attorney. (Beginning in 1997, the Middlesex District Attorney prosecuted the case at the request of the Essex District Attorney to avoid a possible conflict situation.)

III. DECISION

Benjamin Murray brutally murdered his mother, perhaps during a psychotic episode. Murray had several serious problems that led up to the homicide: extreme and unpredictable anger; violent reactions to small events; repeated alcohol intoxication which often led to rage and violence; inability to cope with a failed relationship; and depression that prevented productive activity. Despite these several issues, all of which are connected to the homicide, Murray has not participated in rehabilitative efforts to address these problems. In his parole hearing testimony, Murray took the positions that he did not have problems with alcohol, anger, violence, or mental health. The Parole Board does not agree with the inmate that he needs no rehabilitation. This remarkable lack of insight has kept him from working towards reform. The inmate does not admit the need for rehabilitation, and consequently has made little effort to rehabilitate. Because he is not rehabilitated, Murray is likely to re-offend if released and his release is not compatible with the welfare of society. Accordingly, parole is denied. The inmate has to choose insight over denial and rehabilitative work over complacency. He needs recognition and understanding of his mental health, anger, and substance abuse issues and how to treat those issues. He needs an intensive investment in treatment if he wants to minimize the risk of another violent episode. He has much to do, and therefore it would be counter-productive to shorten the review period from five years.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.


Caitlin E. Casey, Chief of Staff


Date