

*The Commonwealth of Massachusetts
Executive Office of Public Safety*

Parole Board

*12 Mercer Road
Natick, Massachusetts 01760*

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



Andrea J. Cabral
Secretary



Josh Wall
Chairman

DECISION

IN THE MATTER OF

ANNE MARIE ROSE

F36249

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 5, 2013

DATE OF DECISION: November 1, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Shelia Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by a vote of 4 – 2 that the inmate is a suitable candidate for parole. The Board grants a parole to a long term residential program after one year in lower security, during which time the inmate must avoid disciplinary incidents and comply with all expectations of the Department of Correction for programs, activities, and employment.

I. STATEMENT OF THE CASE

On February 5, 2013, Anne Marie Rose appeared before Parole Board seeking parole from her life sentence for the second degree murder of Andrea Martin, age 30. This is Ms. Rose's second appearance before the Board. Ms. Rose seeks parole to a long term drug and alcohol-free residential treatment center near Framingham or the Greater Boston area that specializes in helping people suffering depression and mental illness.

On January 23, 1995 in Bristol Superior Court, Ms. Rose was convicted of second degree murder for killing Ms. Martin, who was her domestic partner. Ms. Rose, age 36, and Ms. Martin lived in a rooming house in Fall River known as Lizzie's Third Street Inn. Ms. Rose, who was not working, began collecting SSDI in approximately 1987 due to several mental health diagnoses. Ms. Rose, whose daily routine at that time included heavy drinking and substance abuse, would sell the psychiatric medication prescribed to her to fund her alcohol addiction and she would take remaining medication mixed with alcohol.

In 1992, Ms. Rose and Ms. Martin were in a severely abusive relationship, both physically and verbally, for approximately six months. On October 22, 1992, the day of the murder, Ms. Rose had been drinking heavily, and she and Ms. Martin were fighting. The first fight concerned Ms. Rose burning dinner. The fight was loud and aggressive before dissipating. A short time later, Ms. Rose and Ms. Martin had another fight concerning a mutual friend who asked them to care for her unborn child. Ms. Rose became angry that Ms. Martin offered to care for this child, when both of them had children they were unable to care for properly.¹ This fight, which started in the kitchen and moved to the bedroom, was aggressive and physically abusive.

Eventually, Ms. Martin left the bedroom, entered the kitchen, whereupon she and Ms. Rose argued about a beer Ms. Rose took from the refrigerator. This third argument again turned physical. During the physical altercation, Ms. Rose picked up a letter opener sitting on the television next to her and stabbed Ms. Martin.

Ms. Martin sustained three stab wounds on her left side. One wound was to Ms. Martin's left upper chest, was five inches deep and perforated the upper lobe of her left lung. The second stab wound was to Ms. Martin's upper left side, was four inches deep and penetrated the lower lobe of the left lung. The third was a three inch stab wound on Ms. Martin's right upper arm.

Ms. Martin left and went to the apartment of the owner of the Third Street Inn. When the owner answered his door, Ms. Martin told him that she had just been stabbed and asked him to call police. When police arrived, emergency medical technicians were assisting Ms. Martin, who was lying in the rear of the building, and unresponsive to questions. Ms. Martin was transported to Charlton Memorial Hospital where she died at approximately 4:00 a.m. on October 23, 1992.

When questioned by police, Ms. Rose admitted she stabbed Ms. Martin but stated she had done so because she could take no more abuse from Ms. Martin.

II. PAROLE AND INSTITUTIONAL HISTORY

On December 24, 1982, Ms. Rose, then age 27, assaulted a friend by stabbing her with a silver buck knife. On January 14, 1983, she was sentenced in Essex County to two years for assault and battery with a dangerous weapon. Ms. Rose was paroled on January 23, 1984. She was revoked, however, on April 24, 1984 for whereabouts unknown and returned to custody. Ms. Rose was discharged from her sentence on September 27, 1984.

While incarcerated at MCI-Framingham for the murder of Ms. Martin, Ms. Rose received 32 disciplinary reports for offenses including threatening language, insolence, disruptive conduct, and a suicide attempt. Ms. Rose was free from disciplinary reports from 2006 until December 23, 2012, when she received her most recent disciplinary report for possession of unauthorized canteen items.

Ms. Rose appeared before the Board for an initial hearing on February 5, 2008. The Board denied parole, noting at that time that Ms. Rose had a violent assaultive history, poor institutional behavior, and admitted lack of self-control. At her 2008 hearing, Ms. Rose maintained that the murder did not result from her own aggression. The decision noted that

¹ At this time, Ms. Rose had a young daughter who was cared for by the child's grandmother.

Ms. Rose "displayed limited insight into the governing offense, appearing at times as if she were the victim in the case rather than the aggressor." The Board set a five year review.

As reflected in testimony at the February 5, 2013 parole hearing, Ms. Rose completed a number of programs during her incarceration. From January 2001 until March of 2003, Ms. Rose received mental health treatment while housed at a Residential Treatment Unit. Ms. Rose also completed Correctional Recovery Academy in November 2004, the Graduate Maintenance Program in 2005, Anger Management during the winter of 2005 to 2006, and a Healthy Relationships Program in July 2006. Since her 2008 hearing, Ms. Rose completed course work for a Bachelor of Arts degree in Liberal Studies sponsored by Boston University, and has been steadily program-involved.

III. PAROLE HEARING ON FEBRUARY 5, 2013

Anne Marie Rose appeared for her second parole hearing on the life sentence she is serving for the second degree murder of her domestic partner, Andrea Martin. She was represented by Northeastern student attorney Briana Olson. Parole was denied with a five year setback after the initial hearing in 2008. At the instant hearing, Ms. Rose stated she believed that parole had been denied after her initial hearing "because of my poor conduct and poor self-control; now I have worked to address those issues."

Ms. Rose provided a candid account of her history of violent relationships. She described two violent relationships before she lived with Andrea Martin. She said, "I used to be a batterer; all my relationships had verbal and physical abuse; I was more the aggressor in two relationships, including with Ms. Martin; I was very aggressive with Ms. Martin but we were mutually aggressive; there was hand-to-hand combat; there was an incident at least once a week; we were together for six months." She explained that she grew up in a violent household and sustained physical abuse from her father. She said, "growing up I learned abuse and affection were the same thing."

During the long period of abusive relationships, Ms. Rose reported she was abusing alcohol and prescription medication that she received for mental health treatment. She said that she "abused psych meds, I took them with alcohol when I was depressed." She said that much of her violent behavior was connected to alcohol abuse. She also sold her prescription medication. She had mental health problems that led to treatment, medication, and social security disability payments.

She gave the following account of the murder: "neither of us worked; I was drinking and selling my meds; that day we were partying all day; we argued for a couple of hours; then it got physical; we were in a wrestling match in my room; she put her hand around my neck; I grabbed a letter opener and stabbed her; I don't remember three wounds but I accept responsibility for all the wounds; I claimed self-defense for trial but that was totally wrong; I became the aggressor once I picked up the weapon." Ms. Rose also stabbed a previous partner in a similar incident. About that incident, she reported that "I was drunk, it was Christmas Eve, we started fighting and then wrestling and she ended up getting stabbed."

Ms. Rose provided information on her 21 years in prison. Her earlier years were not productive and she accumulated several disciplinary reports every year for non-violent but disruptive behavior. She testified that, "I wasn't mature enough to seek programs at the outset." She received regular mental health services when she resided in the Residential Treatment Center from January 2001 through March 2003. She participated in programs and groups to address domestic violence, anger management, substance abuse and dual diagnosis, healthy relationships, interpersonal effectiveness, emotion regulation, and distress tolerance.

Evaluators at the Residential Treatment Center rated her attendance and participation as outstanding.

As her mental health improved, she participated in more rehabilitative programs to address her anger, domestic violence, and substance abuse. Between 2004 and 2006, she completed the Correctional Recovery Academy, Anger Management Program, Domestic Violence Program, Healthy Relationships Program, and Self Esteem Program. Since her parole hearing in 2008, she has completed Active Listening, regularly taken college courses offered by Boston University through the Partakers college program, attended a mental health group and peer support group, and worked sewing laundry bags. She testified that the peer support group has been a significant development "because I took something I learned and helped other people." Her conduct improved considerably and she has received one disciplinary report since 2006. She reported that after mental health treatment and significant program work, "I started feeling good about myself in 2007; I've had no desire to hurt myself or others since then; I had heart surgery and my daughter became pregnant; those things helped me take a different outlook on life." She testified that she has maintained sobriety throughout her incarceration. There are no disciplinary reports related to substance abuse.

Ms. Rose's mental health is much improved and stabilized. She sees a mental health counselor weekly to assist with issues related to post traumatic stress disorder and depression with psychotic features. She is on several medications which she reported are working well. She testified that, "Prozac has been a wonderful drug for me; it stops me from hurting myself; around 2000 was the last time I thought about hurting myself; without the meds I go up and down so I know I need the meds." She has several serious physical problems, including diabetes and arthritis that severely restricts her ability to walk.

In planning for parole, Ms. Rose has contacted several long term residential programs that offer help for both substance abuse and mental health issues. She has applied for services through the Department of Mental Health, and expects that she would qualify for a residential treatment center. She would seek benefits through social security disability, but says she would seek a part time job and do some volunteer work in the community. She would also like to continue with her education through correspondence courses.

Andrea Martin's three sisters spoke in opposition to parole. They described Ms. Martin as "a wonderful and caring person" whose two children were raised by Ms. Martin's mother. Bristol Assistant District Attorney Dennis Collins opposed parole. Ms. Rose's daughter, sister, mother, and two volunteers with the Partakers Program spoke in support of parole. Her daughter testified that "she no longer blames others; she is taking responsibility now for her own conduct; she is a much stronger person."

IV. DECISION

Anne Marie Rose lived in the community as an angry person who exacerbated her mental health problems with alcohol abuse. She turned to violence in her relationships. She stabbed one partner and then murdered Andrea Martin by stabbing her. Her rehabilitative journey began in 2001 in the Residential Treatment Center where she received extensive mental health treatment and rehabilitative programming. She continued through the next decade with mental health treatment and rehabilitative programming, and she added steady employment and college education. Her behavior reflected the work she did as her conduct has been very good since 2007. In her program work over the past twelve years she has addressed issues related to substance abuse, domestic violence, anger, and violence. Through counseling, group work, and medication, her mental health is improved and currently stable. At the hearing, Ms. Rose candidly described her anger and domestic violence, assessed the

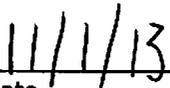
psychological causes of the behavior, and described how she has reformed her character and conduct. The Parole Board concludes that the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – will be accomplished after 22 years of incarceration and successful rehabilitative work by Ms. Rose.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the opinion of the Board that Ms. Rose does merit parole. Due to her rehabilitation and under the conditions of parole required described below, Ms. Rose does not present a risk for re-offense or violence and is prepared to live in the community as a law-abiding citizen. Board Members Howard-Hogan and Soto-Abbe opposed parole.

SPECIAL CONDITIONS: Parole to long term residential program after one year in lower security at the Department of Correction; no alcohol use; no drug use; mental health and substance abuse evaluation with requirement to follow recommended treatment; no contact with victim's family.

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.


Caitlin E. Casey, Chief of Staff


Date