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Top Stories

Murder trial witness claims misconduct

GREGG M. MILICITE / Herald News Staff Reporter

10/21/2004

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TAUNTON – Maureen "Sonny" Sparda leveled thunderous claims of prosecutorial misconduct against two prominent former Bristol County prosecutors Wednesday in Superior Court.

Sparda was the first of at least three former trial witnesses convicted "cult murderer" Carl Drew plans to call to the witness stand during evidentiary hearings that may result in a new trial.

Drew, 49, formerly of Fall River, was convicted of the 1980 ritualistic murder of 20-year-old Karen Marsden.

Marsden's macabre murder was the third in a string of eerily similar killings of prostitutes in and around Fall River.

But thanks in large part to witnesses such as Sparda, who are now claiming they were threatened by former prosecutors into perjuring themselves at Drew's 1981 trial, Drew has a new opportunity at receiving another trial.

Sparda — considered by many to be the former den mother for the group of pimps, prostitutes and alleged Satanists — was set to testify in Drew's defense back in 1981.

But, according to her testimony Wednesday, Sparda was threatened by former District Attorney Ronald Pina and his assistant David Waxler just prior to her moment on the witness stand.

"I went to the courthouse and looked around for Carl's lawyer (John Birknes). I found him and he said he wanted to talk to me in the back room," Sparda testified. "David Waxler and Ron Pina were in the room and I was told by Waxler that I wasn't going to say anything to help Carl Drew.

"I told (Waxler) that I was going to tell the truth, but his face got really red and he started screaming at me, saying, 'You're not going to say anything to help him.'"

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Sparda testified that Waxler told her he would grant Drew's former co-defendant, Carl Davis, immunity for the Marsden murder and he would say anything Waxler wanted him to say. Charges against Davis were ultimately dropped by prosecutors.

"Waxler said I will take Drew's place and become a murder defendant," Sparda testified. "I was petrified, but Drew's attorney just sat with his arms folded, shrugged and made a gesture telling me, that's just the way it is.

"At this point I was petrified. I believed in the justice system until that day."

Sparda, according to her testimony Wednesday and transcripts from Drew's 1981 trial, told Judge Francis Keating what Waxler had said to her, but "the judge just started banging the gavel like crazy and yelling for the court officers to remove the witness."

Sparda eventually pled her Fifth Amendment privilege and never testified to what she knew about the Marsden murder.

But during direct examination of Sparda Wednesday, Drew's attorney began to show what Sparda would have said if she had testified at the 1981 murder trial.

Sparda said she first realized that Drew's co-defendant, Robin Marie Murphy, was likely responsible for the slaying of her friend shortly after Marsden disappeared on the evening of Feb. 8, 1980.

After speaking with former Fall River Detective Paul Carey about what was at the time a missing persons investigation, Carey called her on the phone a few days later to tell her that someone had reported seeing Marsden at a Spindle City hot dog shop.

"When I heard that someone saw Karen, I told Robin that Karen was OK, but she said, 'Karen's dead,'" Sparda testified Wednesday. "Robin said the police would never find Karen's body."

Two letters Sparda wrote to Drew while he was being held in a county jail prior to his March 1981 trial were also entered into evidence Wednesday.

The first letter, from August 1980, indicates that Sparda was ready and willing to testify at Drew's trial.

"Believe me Carl, I'm going to say everything when I go into court," Sparda wrote. "I told you they could frame you."

The second of the letters, corroborated by Sparda's testimony Wednesday, indicated that Murphy had told Sparda that she killed Marsden and was going to set Drew up to take the fall.

"Robin told me Carl wasn't even there, but that payback's a mother (expletive)," Sparda's letter read. "Robin said, 'If I gotta do life, at least I know (Drew's) going to do it with me.'"

Sparda also told the court Wednesday that she had informed former State Police investigator Daniel Lowney of Murphy's confessions and her plans to set Drew up.

"I told Dan Lowney about this, but all he said was 'yeah,'" Sparda testified.

Sparda's direct questioning from Drew's attorney will continue this morning, to be followed by cross-examination by Assistant District Attorney Stephen Gagne.

Former DA testifies

Although the people being called during the first half of the evidentiary hearings are all defense witnesses, prosecutors were forced to call one of their witnesses to the stand Wednesday morning due to a scheduling conflict.

The testimony of former District Attorney John Tierney allowed a glimpse into what the prosecution plans to do when it opens its case sometime later this month.

Tierney, who served as the District Attorney for the former Bristol District in the mid 1970s, was called to the stand solely for the purpose of boosting Waxler's reputation.

Tierney said he has been involved in the Bristol County legal community for the past 43 years and has known Waxler since he was a young boy.

In fact, Tierney hired Waxler as a student assistant district attorney during his one term as the top prosecutor in the county.

Waxler, according to Tierney's testimony, has a reputation of being honest and full of integrity.

"(Waxler) has an impeccable reputation," Tierney testified. "I know him very well and although I abhor legal advertising, his ads have always been honest."

Tierney was referring to the frequently aired legal commercials for Waxler's law firm of Waxler, Hammell, Allen and Collins.

Tierney, the husband of former New Bedford Mayor Rosemary Tierney, was the first of many so-called reputation witnesses prosecutors plan to call during the evidentiary hearings.

Future witnesses like Tierney will be called for the sole purpose of vouching for Waxler and Pina's professional reputations.

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