

COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT

BRISTOL, ss.

SUPERIOR COURT DEPARTMENT

COMMONWEALTH )  
                  )  
v.                  )  
                  )  
CARL H. DREW   )

Criminal Action  
No. 6298 of 1980  
spartas1 MNTaff.wpd

**AFFIDAVIT OF MAUREEN SPARDA,**  
**IN SUPPORT OF DEFENDANT'S MOTION FOR NEW TRIAL**

1. Affiant. My name is Maureen Sparda, I am 49 years old and I have lived in or around Fall River since 1971. Most people refer to me as "Sonny."
2. How I knew the other principals in the case. In or about 1970, I met Carl Drew (the defendant convicted for having taken part in the murder of Karen Marsden). In or about 1977 or 1978, I met Karen Marsden, Robin Murphy (who plead guilty to murdering Marsden), Pam Coady, Carol Fletcher and Leah Johnson (among others who testified against Drew). I had known of Davis since my arrival in Fall River in 1971. We met because they were part of a social circle of "pimps" (sellers' brokers) and prostitutes I met through Drew or who were also friends of mine.
3. Marsden. During 1979 and 1980, I knew that Marsden worked as a prostitute, and was friendly with Drew. I heard that Murphy also employed women as their pimp. I knew Marsden and Fletcher (and Fletcher's mother) worked for Murphy.

4. Murphy. At this time, I knew Murphy to be violent and manipulative, because she convinced her sex workers that they needed to give her all their income, so Murphy could keep them safe. She often demonstrated a level of intelligence far beyond the women who worked for her, including Marsden, and intimidated them with threats of physical violence.
5. Murphy and the prostitute murders. During 1979, two Fall River women who worked as prostitutes, Doreen Levesque and Barbara Raposa, were found murdered. Later that year, Murphy admitted to me that she had murdered both women (with Andre Maltais).
6. Murphy's admission to the police about the Levesque and Raposa murders. About a month before Marsden's murder, I called Fall River police officer Paul Carey and asked him to come to my apartment to discuss the local prostitute murders, because Murphy had decided to talk to the police about her involvement with Maltais and the Levesque/Raposa murders. I had known officer Carey since 1973, because we were friends and he visited with me many times. Murphy told Carey and I about her responsibility for the Levesque and Raposa murders, and her knowledge of Marsden's death. Later, while the police had Murphy in protective custody in Groveland, Murphy confessed to me that she had murdered Marsden alone (without Drew being present), which I told State Trooper Dan Lowney.

7. My last contact with Marsden. In January and February 1980, I usually saw or heard from Marsden on a daily basis, because of our relationship. I last saw her on or about February 8, 1980, and after a few days of not hearing from her or seeing her, I became concerned that she might have suffered some harm and that Murphy might be responsible. Officer Carey confirmed for me that Marsden was missing and that he also suspected that she was dead.
8. Murphy's behavior on the night Marsden was killed. On February 8, 1980, I had planned to have dinner with Murphy at about 7PM, and cooked us a chicken meal. I remember the evening well because I became angry that Murphy failed to show up until about 10PM.
9. Murphy came to my apartment and I saw that she was breathless and sweating. I asked her if she was sick, but she told me she "had been running." She told me she had been with Marsden earlier in the evening. A few days later, Murphy told me that Marsden was "dead, and the police will never find her body."
10. My pretrial contact with Drew's attorney. I learned that Drew was charged with the Marsden murder by Pina's office, and the case came to trial in March 1981. A day before March 12, 1981, I received a subpoena to attend the trial as a defense witness.

Before receiving the subpoena, I spoke once or twice to Drew's attorney (John Birknes) three or four weeks before the trial, and told him everything about what Murphy had told me, including her admission to killing Marsden alone (without Drew being present).

11. The day I came to Drew's trial. On March 12, 1981, I arrived at the courthouse and reported to Drew's attorney. The trial prosecutor, ADA Waxler, joined us and we went to a room in the rear of the courthouse. Inside the room were District Attorney Pina and Drew's defense attorney, Birknes.
12. Waxler's threats against me. Waxler started yelling at me, threatening to use "the law" against me unless I agreed to refuse to testify by pleading my Fifth Amendment privilege against self-incrimination. He told me that "if you say one word that helps Drew out, you will take his [expletive] place [as a murder defendant]." Waxler also told me that "if you don't plead 'the fifth' and leave, I will give Carl Davis a plea bargain and he will say whatever we tell him to say, and you will do life." I looked at Attorney Birknes, seeking help, but he merely nodded, which I understood to mean that I had no choice and he could do nothing to protect me from the threat of prosecution.
13. My appointed attorney's advice. An attorney then came into the room, who told me he had been appointed by the court to advise me of my rights and help me make a decision about whether to testify.

I had never met him before, and he spent no more than five minutes speaking with me; after he left me I never saw him again. He told me that Waxler had told him that Carl Davis, one of the people who already had confessed to the Marsden murder, would accuse me of being present for Marsden's murder and that I knew enough about the murder plan to be charged as a co-defendant and do life. "My" attorney told me that, as long as Drew was convicted, I should have nothing to worry about from the prosecutor's office if I refused to testify.

14. My refusal to testify. Everyone left the room but me. I was told to wait there until called to testify, which I did. When I was called into the courtroom, the jury was not present nor was Drew. I told the judge I was too scared to testify, but that I wanted to tell the truth, but I had been threatened by "them [pointing to the lawyers]." The judge asked me angrily if I wanted to testify, or not. He scared me, and after being scared by the prosecutor and told by my lawyer that my safest course was to refuse to testify, I told the judge I would not testify.

Sworn to under the penalties of perjury, this 22d day of July, 2003:

X MAUREEN SUNNY SPARDA  
Maureen "Sunny" Sparda