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Winchester man tells reporters he ‘murdered’ his mother

By Jeremy C. Fox

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Matthew McAveaney arrived in custody at Winchester Police station Tuesday night.

WINCHESTER — A Winchester man charged in the brutal beating death of his 70-year-old mother dramatically confessed to the crime outside police headquarters Tuesday night, as he was returned to Massachusetts from North Carolina to face justice.

Matthew McAveaney, 46, stunned reporters when he said he had “murdered” Barbara McAveaney, who was found dead in her Swanton Street apartment in Winchester on Oct. 14.

“To my mother, Barbara McAveeny, and to her cats, Pumpkin and Puffy McAveeny, I apologize deeply. Sometimes I get out of control,” McAveeny said as he emerged in handcuffs from an unmarked blue Ford van, flanked by police officers, just before 8:30 p.m. Tuesday behind the Winchester police station.

A reporter asked McAveeny if he did it. “Yes,” he replied.

The reporter then asked McAveeny what he did, and he responded, “Murdered her.”

McAveeny was arrested one week earlier outside a Walmart in Belmont, N.C., following a seven-day manhunt after his mother’s death. He is scheduled to be arraigned Wednesday in Woburn District Court, the office of Middlesex District Attorney Marian T. Ryan said.

McAveeny was initially charged with armed assault with intent to murder, assault and battery by means of a dangerous weapon, assault and battery by means of a dangerous weapon on a person 60 years of age or older, assault and battery, and two counts of cruelty to animals, according to Ryan’s office.

A murder charge was added on Oct. 20 after the chief medical examiner ruled the death a homicide caused by blunt force trauma to the head, Ryan’s office said.

Gerard T. Leone Jr., a former Middlesex district attorney, downplayed the potential impact of McAveeny’s confession on the case.

“I tend to think that in cases like this, by the time the case comes to trial, the very public extrajudicial out of court admission/confession doesn’t matter,” Leone said in an e-mail Tuesday, adding that the confession could be damaging to McAveeny if it were admitted as evidence at trial.

Leone, who works in private practice at Nixon Peabody, also noted that a significant amount of time will have passed before the case goes to a jury.

“Juries won’t remember what was said 18 months to two years before, and even if they do, they’ll only be able to consider what they are allowed to hear at trial, and I believe they take their jobs and instructions by the judges seriously,” he said.

But Martin G. Weinberg, a prominent Boston defense lawyer, said in an e-mail that by confessing, McAveeny has “eliminated the defense of ‘not guilty’ by admitting the murder to the public.”

Weinberg said the remaining question is whether McAveeny can avoid a first-degree murder conviction, which carries a life sentence without parole.

“Certainly [there is] no suggestion of coercion, or a ‘false confession’ when he just spontaneously announces to a reporter that he committed the charged murder,” he said.

McAveeny had allegedly threatened his mother nearly 17 years earlier.

On Dec. 20, 1997, McAveeny was involved in an episode with Barbara McAveeny and then allegedly tried to drive over police who responded to her 911 call, smashing into their cruiser and careering out of the family’s driveway.

Nearly a dozen police units from Winchester and Woburn pursued McAveeny, then 29, on a high-speed chase through three towns before police in Lexington used Stop Stick devices to puncture all four tires of his minivan.

McAveeny allegedly continued driving about a half-mile, surrendering only after ramming another police cruiser.

Through a spokesman, Winchester police declined to comment Tuesday night on McAveeny’s confession. “We would not comment on utterances made by a defendant in a criminal proceeding,” said the spokesman, John M. Guilfoil.

Representatives for Ryan did not respond to voice and e-mail messages seeking comment late Tuesday.

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