

Prosecutors say they dropped murder case in exchange for suspect leading them to the body

ALBERTO LUPERON Feb 1st, 2024, 5:47 pm

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Prosecutors dropped the murder case against David Pena in exchange for him leading authorities to the body of Felicia McGuyer. (Image of Pena: Nancy Lane/The Boston Herald via AP; image of McGuyer: Boston Police Department)

Prosecutors reached a plea deal after determining that they could not reach the reasonable doubt standard against suspected killer David Pena, authorities said.

In exchange for pleading guilty to an unrelated drug case, he led authorities to the body of Felicia McGuyer, 32, a spokesman for prosecutors in Suffolk County, Massachusetts, told Law&Crime on Thursday.

“The victim’s family was fully informed and was in court when Pena was sentenced,” James Borgheshani of the Suffolk County District Attorney’s Office said. “They were provided the opportunity to deliver impact statements but chose not to do so.”

Felicia was last seen Oct. 7, 2007, in the Boston neighborhood of Dorchester, in the area of Roxton Street, police said.

Her disappearance was out of character because she wasn’t communicating with loved ones, including her 10-year-old son, police said.

“McGuyer was 32 years of age when she disappeared, leaving behind her 10 year old son,” officers wrote. “She is described as a white Non-Hispanic female, approximately 5’2”, about 140 lbs, has a medium build, brown hair and green eyes. McGuyer’s family is concerned for her safety and well-being. It is not common behavior for McGuyer to be out of touch with her son, other family and friends.”

It all changed with authorities getting an arrest warrant against Pena, her boyfriend, on Dec. 12, 2022. Held in Florida on an immigration detainer, he was extradited to Massachusetts in January 2023, according to court documents.

As previously reported, Pena was also wanted for trafficking cocaine.

Borgheshani told Law&Crime on Thursday that they determined they could not meet the burden of proving charges beyond a reasonable doubt.

A footnote in court documents said, “During the course of the grand jury investigation, the murder case against the defendant became legally and factually unsustainable and the Commonwealth determined that it could not meet its burden to prove each and every element of the charges to the standard of proof beyond a reasonable doubt.”

From documents about the dropped murder case:

In June of 2023, the defendant thru counsel, volunteered information regarding the circumstances of Ms. McGuyer's disappearance. Specifically, the defendant stated that he knew the location of Ms. McGuyer's body and offered to disclose it to Boston Police Department investigators in exchange for: (1) a promise by the Commonwealth not to charge or prosecute him for any conduct related to Ms. McGuyer's disappearance or death; (2) a promise by the Commonwealth to enter a nolle prosequi in the Dorchester Division of the Boston Municipal Court on Docket #2207CR003342, which charged David Pena with the crime of Murder, in violation of M.G.L. c. 265, §1; and (3) that on an unrelated Suffolk Superior Court Docket, #1584CR11253, charging Mr. Pena with Trafficking Cocaine, 200 grams or more, that upon the defendant's agreement to plead guilty to so much of the indictment charging Possession with Intent to Distribute Class B, and upon the Court's acceptance of the change of plea, the parties would jointly recommend that that the Court sentence Mr. Pena to a term of five to five years and one day in state prison.

They entered the agreement. On Aug. 8, Pena gave police the location of McGuyer's body. Authorities recovered the skeletal remains the following 14th, documents said. They identified her through DNA, Borgheshani told Law&Crime.

In exchange for authorities dropping the murder case, Pena pleaded guilty on Jan. 17 in his case for possession with intent to distribute. He was sentenced to up to five years and a day in prison.

Katie deJong contributed to this report.