



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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Chairman

**DECISION**

**IN THE MATTER OF**

**DAVID STETSON**

**W37628**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** April 9, 2013

**DATE OF DECISION:** October 21, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila 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, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years.

**I. STATEMENT OF THE CASE**

On April 29, 1980, in Norfolk Superior Court, David Stetson was found guilty of second degree murder<sup>1</sup> and was sentenced to life in prison with the possibility of parole at fifteen years.<sup>2</sup>

<sup>1</sup> Mr. Stetson's co-defendant, James Feeley was indicted as an accessory after the fact of murder, but the jury found him not guilty after a joint trial with Mr. Stetson.

<sup>2</sup> In addition, on June 16, 1980 in the Norfolk Superior Court Mr. Stetson received a three to five year concurrent sentence for unlawfully carrying a weapon; a three to five year concurrent sentence for breaking and entering in the night time; and another a three to five year concurrent sentence for breaking and entering in the night time. Mr. Stetson received these sentences for his conduct on August 3 and 4, 1979, in which he broke into Weymouth Drug, a pharmacy. Mr. Stetson was arrested on August 3, charged with breaking and entering, and released on bail. The following evening, on August 4, Mr.

On February 10, 1979, at about midnight, Mr. Stetson, at age 20, assaulted and beat Philip McGee, age 53, with a baseball bat in the Hough's Neck neighborhood in Quincy. Mr. McGee suffered multiple fractures to both of his legs, a skull fracture and concussion, blood clots to his lungs, and blood clots in his pulmonary artery. Mr. McGee succumbed to his injuries sixteen days later, dying from a pulmonary embolism on February 26, 1979. Although interviewed by police following the assault, Mr. Stetson was not indicted for murder until December 11, 1979, and on December 24, 1979 he was apprehended in Albuquerque, New Mexico.<sup>3</sup> In 1981, the Supreme Judicial Court reviewed the entire case on the law and the evidence,<sup>4</sup> and affirmed his conviction.

## **II. PAROLE HISTORY**

Although eligible for parole in 1994, Mr. Stetson's request for parole was denied after hearings in 1994, 1996, and 1997. Following a hearing on February 22, 1999, Mr. Stetson was paroled on October 2, 2000.<sup>5</sup> He completed the Gavin House residential program and obtained work as a laborer. He was injured on the job in 2001, having been determined to be totally disabled, which began a long period of medical treatment and pain medication. He married his third wife in 2002.

Mr. Stetson's behavior began to deteriorate in 2009. Mr. Stetson received a final warning from the Parole Board in 2010 for abusing his medication. Nevertheless, Mr. Stetson continued abusing his medication, began to act erratically, and threatened to kill his wife and two children. Mr. Stetson threatened to stab his wife with a screwdriver, blow up the house, and told her that he poisoned her. She obtained a restraining order, and the Parole Board returned Mr. Stetson to custody in April 2010 and revoked his parole in June 2010.

## **III. INSTITUTIONAL HISTORY**

Mr. Stetson's institutional adjustment has included two returns to higher security. He has accrued 22 disciplinary reports over the course of his incarceration. Since the revocation of his parole in 2010, Mr. Stetson has incurred seven disciplinary reports, the last of which was issued July 4, 2013 for an altercation with an inmate.

Mr. Stetson is now 55 years old and is currently housed within the Health Services unit at MCI-Shirley. His current medical conditions make it difficult for him to participate in treatment and programming. In July 2010, Stetson was transferred to Bridgewater State

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Stetson once again broke into Weymouth Drug, was arrested, and during the course of his arrest a knife was found on his person. Mr. Stetson was released on bail on personal recognizance.

<sup>3</sup> After his release on personal recognizance following the August 4 breaking and entering arrest, Mr. Stetson fled to Albuquerque, New Mexico. Mr. Stetson was arrested on December 24, 1979 and extradited to Massachusetts.

<sup>4</sup> State law at the time (G.L. c. 278 §33E) required such a review. See Commonwealth v. Stetson, 384 Mass. 545 (1981).

<sup>5</sup> Mr. Stetson's parole had been reserved upon his completion of Correctional Recovery Academy and six months in pre-release.

Hospital as he was exhibiting threatening and psychotic behavior and refusing to take his medication.

#### **IV. PAROLE HEARING ON APRIL 9, 2013**

This is Mr. Stetson's sixth appearance before the Parole Board. He seeks a parole to sober housing. In addition, as an alternate parole plan he reported he may be able to reside with his sister in Rockland. However, he reported the two have never really gotten along. Within the community the subject reported he would support himself with Social Security Disability.

During the hearing, the Board expressed concern as Mr. Stetson has yet to address his addiction to pain medication that plagued him during his previous parole. He does contend that he is addicted to narcotic pain medication. Mr. Stetson is currently prescribed morphine within the institution. During previous hearings Mr. Stetson has indicated that he could not recall the details of the murder due to being under the influence of Valium, Percocet, beer, and Jack Daniels.<sup>6</sup> He now admits he was lying about a "blackout."

Mr. Stetson said that his drug problem started at age 15. He said, "Percocet was my drug of choice; it was always narcotics; twice I broke into drug stores at age 20; I stole drugs to use and sell; I got \$25,000 and \$40,000 worth of drugs." Concerning his drug use on parole, he reported that "I was taking prescribed Oxycontin starting in July 2008; I couldn't control the Oxy reaction; I didn't like Oxy; I never hid my drug use from my parole officer; I drove under the influence but not after my parole officer told me not to; I started taking Klonopins for anxiety; the anxiety was due to my freedom."

Drug use caused friction between Mr. Stetson and his wife which led to his parole revocation. He reported that "issues with my wife started in 2007 because she said I was abusing my medication; so we got a safe and she had the key and she gave me my meds; she didn't like me being on the meds; my relationship with my wife got rocky; I threatened her a few times out of frustration; I've never hit a woman in my life." At some point Mr. Stetson ended up with the key to the drug safe. He said, "I didn't demand the key." He explained the events that led to his return in April 2010: "I threatened my wife; I told her I would burn the house down; I never threatened to kill them; we argued the night before; she started it the next morning; it was non-stop, she wouldn't stop; I can be menacing when I'm angry and I had a fork in my hand when I threatened her; I could tell she was concerned by my response; I also told her I would put some of my meds in her coffee; she had seen the menacing behavior once before; in the car one time I made two fists and shook them in my lap; she knew I wouldn't hit her then."

Mr. Stetson is now divorced. He reported he has no contact with his three siblings in Massachusetts because "I didn't get along with them." He said he has been in the infirmary for three years and "because of my pain meds it's hard to go to a program; I haven't found one that will take me." He remarked that he was sent to Bridgewater Hospital in July 2010 because "I went off on some COs; they were shocked I could get that mad that quick."

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<sup>6</sup> This stands in contrast to his more immediate comments following the assault. Later in the day on February 10, 1979, Mr. Stetson admitted to his roommate that he had just beaten someone. About a week after the February 10, 1979 assault, Mr. Stetson repeated his admission to his roommate. Mr. Stetson, bragging at a party, then stated "*I'm the Hough's Neck Murderer.*"

A Board Member noted that "the case notes show a lot of manipulation to be continually medicated." Another Board Member told Mr. Stetson that "you are really looking at assisted living if paroled in order to deal with physical, medical, and medication issues." Mr. Stetson replied, "I don't know much about that."

Norfolk Assistant District Attorney Marguerite Grant submitted a letter opposing parole. No one attended the hearing in support of parole.

#### **V. DECISION**

David Stetson has issues of substance abuse, anger, and instability that required re-incarceration after revocation. Since his return to custody in April 2010, Mr. Stetson has received seven disciplinary reports, including one that involved considerable anger with staff. He has deteriorating serious health issues which have placed him in the infirmary for three years and he remains on pain medication. He has not participated in rehabilitative programming due to his placement and medication. In summary, Mr. Stetson was a risk in the community and he has not reduced that risk in this re-incarceration. The Parole Board concludes, therefore, that he remains a risk due to insufficient rehabilitation.

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 unanimous opinion of the Board that Mr. Stetson does not merit parole. The period of review will be three years.

*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.*

  
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Janis DiLoreto Noble, General Counsel

10/21/13  
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Date