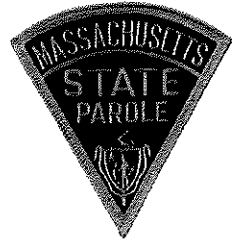


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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RECORD OF DECISION

IN THE MATTER OF

DAVID JOSSELYN
W64229

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **January 11, 2024**

DATE OF DECISION: **April 9, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner,¹ Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is denied with a review in two years from the date of the hearing.²

PROCEDURAL HISTORY: On October 26, 1998, following a jury trial in Middlesex County Superior Court, David Josselyn was convicted of two counts of armed robbery, for which he received two life sentences with the possibility of parole. He also received a 20-year concurrent sentence for the charge of armed assault to rob and a 2 to 3 year concurrent sentence for possession of a firearm. The charge of discharging a firearm was filed. Mr. Josselyn filed a motion for new trial, which was denied. Mr. Josselyn postponed his 2016 initial hearing. Parole was denied following an initial hearing in 2019. Mr. Josselyn requested reconsideration, which was denied in 2020. On January 11, 2024, David Josselyn appeared before the Board for a review hearing. He was not represented by counsel. The Board's decision fully incorporates, by reference, the entire video recording of David Josselyn's January 11, 2024 hearing.

STATEMENT OF THE CASE: On September 22, 1996, in the late morning hours, 37-year-old David Josselyn attempted to rob the Osco Drug store on Carlisle Road in Westford. He entered the store, placed a candy bar on the counter, and paid for it. When the cashier opened the register, Mr. Josselyn pulled out a .22 caliber mini revolver, demanded money, and reached into the register. The cashier panicked and closed the register. Mr. Josselyn was not able to take any money, and he fled the area.

¹ Dr. Charlene Bonner was not present for the hearing, but she reviewed the video recording of the hearing and the entirety of the file prior to participating in the vote.

² One Board Member voted to grant parole with conditions.

A short time after the incident in Westford, Mr. Josselyn entered the Sunoco gas station/food mart on Chelmsford Street in Chelmsford. Upon entering, he demanded money, pulled out the .22 caliber gun, and fired a shot between the two clerks. After firing the shot, he said, "Empty the tray, the next one is for real." One of the clerks placed the money tray from the register on the counter. Mr. Josselyn reached into the tray and took over \$100 in cash.

Shortly after the robbery in Chelmsford, Mr. Josselyn entered Home Depot in Tewksbury. He placed a plexiglass cutter on the counter. When the cashier opened the register, he pulled out the gun and said, "Don't say anything until I leave." Mr. Josselyn reached into the register and took over \$900 in cash. The cashier alerted a co-worker to the robbery. The co-worker followed him into the parking lot and watched him run across the lot to a white Chrysler LeBaron. Each of these three incidents took place within a 90-minute time frame. After an investigation, Mr. Josselyn was arrested the next day.

APPLICABLE STANDARD: Parole "permits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: In its 2019 Record of Decision, the Board encouraged Mr. Josselyn to engage in treatment and programming to address his causative factors. He still has not completed any rehabilitative programming or substance abuse treatment. He has declined participation in CRA and other programs. Mr. Josselyn continues to score very high-risk on the LS/CMI assessment. The Board has also considered that Mr. Josselyn has had 85 disciplinary reports, including several as recently as 2023. He appears to have little to no support in the community. The Board encourages Mr. Josselyn to engage in substance abuse treatment and rehabilitative programming. He should demonstrate his ability to comply with rules by completing recommended programs. The Board considered opposition testimony from ADA Walsh.

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.


Tina M. Hurley, Chair


Date