



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**RECORD OF DECISION**

**IN THE MATTER OF**

**DAVID MAGRAW**  
**W57698**

**TYPE OF HEARING:**        **Review Hearing**

**DATE OF HEARING:**       **March 14, 2024**

**DATE OF DECISION:**      **May 14, 2024**

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

**VOTE:** Parole is denied with a review in 3 years from the date of the hearing.

**PROCEDURAL HISTORY:** In December 1994, following a jury trial in Norfolk Superior Court, David Magraw was convicted of the first-degree murder of his wife Nancy Magraw and was sentenced to life in prison without the possibility of parole. On appeal, the Supreme Judicial Court reversed the conviction and remanded the case to Superior Court for a new trial. On April 22, 1999, Mr. Magraw was convicted of second-degree murder and received a life sentence with the possibility of parole. Parole was denied following an initial hearing in 2009, and after a reviewing hearing in 2019. Mr. Magraw postponed his review hearing scheduled for 2014. On March 14, 2024, Mr. Magraw 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 Mr. Magraw's March 14, 2024 hearing.

**STATEMENT OF THE CASE:** At the time of the murder, Nancy Magraw (age 47) and David Magraw (age 50) were living apart and negotiating a divorce settlement, after approximately 15 years of marriage. Accumulated assets valued at approximately one million dollars were at issue in the settlement. Mrs. Magraw had insisted on 50 percent of those assets, a demand which had greatly angered Mr. Magraw. On July 23, 1990, Mr. and Mrs. Magraw had scheduled a meeting with their attorneys at the office of Mr. Magraw's lawyer. That same morning, Mr. Magraw visited Mrs. Magraw at her home. When Mrs. Magraw failed to attend the scheduled meeting that afternoon, her attorney called her house. He spoke to Mrs. Magraw's son who, thereafter, found her lifeless body on the floor of the living room. Mr. Magraw and the

attorneys then drove to Mrs. Magraw's house, where Mr. Magraw subsequently stated, "We were so happy."

At trial, the Commonwealth presented evidence that Mrs. Magraw died of manual asphyxiation or strangulation. Death would have been caused by sustained pressure on her neck for 3 to 5 minutes. In addition, Walpole police noted no sign of a struggle or a forced entry. Numerous injuries were recorded in her autopsy, including abrasions to her nose, cuts to her lower lip, a scratch to her chin and neck, bruises on each arm, contusion on the right bicep, lacerations to knuckles on her right hand, contusions on each side of her pelvis, and ruptured blood vessels above her right knee. Considerable evidence was introduced at trial, and found on appeal to have been properly admitted, that in the months leading up to her death, Mrs. Magraw made various statements regarding her fear of Mr. Magraw.

**APPLICABLE STANDARD:** Parole "[p]ermits 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:** This was Mr. Magraw's third appearance before the Board. Mr. Magraw continues to maintain his innocence for the murder of his wife. Since the last hearing, he has acknowledged his pattern of emotional, psychological, and financial abuse. He stated he now understands these are traits of domestic violence. Mr. Magraw denies that he physically abused his wife. He continues to participate in Veterans Group and Lifer's Group. Mr. Magraw states he recently learned that programming is beneficial. He identified that he has more work to do in the areas of domestic violence, victim empathy, and emotional awareness. The Board remains concerned about his failure to accept responsibility for this offense and his lack of empathy for the harm he has caused the victim's family and his own family. Mr. Magraw spends a lot of his time disputing the case and deflecting responsibility, rather than working on self-development. The Board encourages Mr. Magraw to invest in the programs and areas he has identified. The Board considered public testimony from Mr. Magraw's three sons in support of parole. The Board also considered public testimony in opposition to parole from two members of the victim's family, the victim's attorney, a retired sergeant from the Walpole Police Department, and the Norfolk County District Attorney's Office.

*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