

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



**PAROLE BOARD**

*12 Mercer Road  
Natick, Massachusetts 01760*

*Telephone # (508) 650-4500  
Facsimile # (508) 650-4599*

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*Governor*

**Karyn Polito**  
*Lieutenant Governor*

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**Kevin Keefe**  
*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**DAVID MYLAND  
W82330**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 9, 2021

**DATE OF DECISION:** December 9, 2021

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

**STATEMENT OF THE CASE:** On August 27, 2003, in Barnstable Superior Court, Mr. Myland pleaded guilty to the second-degree murder of Spencer Macleod and was sentenced to life with the possibility of parole. On the same date, he was also convicted of home invasion and armed burglary and assault for which he received a 20 to 20 years and a day concurrent sentence. He also pleaded guilty to assault and battery in a dwelling and received a 9-to-10-year concurrent sentence.

Mr. Myland appeared before the Parole Board for a review hearing on September 9, 2021 and was not represented by counsel. This was Mr. Myland's first appearance before the Board since his final revocation hearing in 2021. Mr. Myland was previously released on parole in 2021 but was revoked due to parole violations. The entire video recording of Mr. Myland's September 9, 2021 hearing is fully incorporated by reference to the Board's decision.

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, 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 concluded that the inmate is a suitable candidate for parole.<sup>1</sup> Reserve to Long Term Residential Program but not before one year in lower security and completion of the Correctional Recovery Academy. Mr. Myland is serving a life sentence for his role in the murder of Spencer Macleod during an armed home invasion along with several co-defendants. Mr. Myland was returned to custody after three

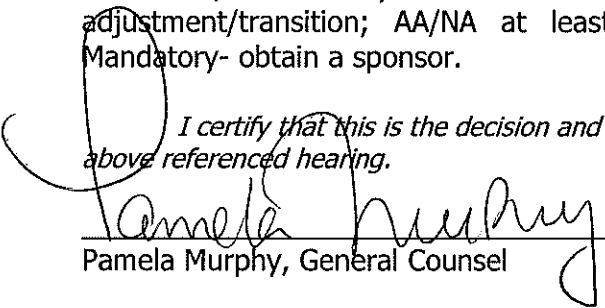
<sup>1</sup> Five Board Members voted to grant parole, and one Board Member voted to deny parole.

months on parole supervision due to his OUI arrest and subsequent conviction. Mr. Myland attributed his failure in part to a lack of transitional needs being met. Further investment in intensive substance abuse treatment and a longer period in lower security will benefit him as he slowly reenters the community. Although he was on parole for a short period of time before reoffending, the Board acknowledges that he immediately took responsibility for his relapse and his parole officer is recommending he be paroled to a structured program.

The applicable standard used by the Board to assess a candidate for parole is: "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." In forming this opinion, the Board has taken into consideration Mr. Myland's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Myland's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Myland's case, the Board is of the opinion that Mr. Myland is rehabilitated and merits parole after 12 months in lower security, subject to special conditions.

**Special Conditions:** Reserve to Long Term Residential Program (LTRP) must complete; Waive work for two weeks or program; Curfew must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with co-defendants; Must have mental health evaluation, abide by recommendations; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week; Mandatory- no marijuana usage; Mandatory- obtain a sponsor.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

  
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Pamela Murphy, General Counsel

12/9/2021  
Date