



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

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

Paul Treseler
Chairperson

Michael J. Callahan
Executive Director

**DECISION
IN THE MATTER OF**

DAVID PROULX

W40272

TYPE OF HEARING: Review Hearing
DATE OF HEARING: November 17, 2015
DATE OF DECISION: December 22, 2015

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Sheila Dupre, Tonomey Coleman, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On February 14, 1984, in Essex Superior Court, David Proulx was convicted of the second degree murder of two year old Tanya Parker. Subsequently he was sentenced to life in prison, with the possibility of parole. Mr. Proulx is currently 59 years old. At the time of his arrest for the murder of Tanya Parker, Mr. Proulx was on parole from a 15 year sentence for rape of a child with force. His arrest on murder charges resulted in a parole violation warrant being issued on February 15, 1983 on his prior sentence. Mr. Proulx had served approximately 3 years on the prior sentence before his parole was revoked. He owes approximately 12 years on that prior sentence.

During December of 1982, Mr. Proulx was living with Tanya's mother, whom he had moved in with in July. On the morning of Tanya's death, December 21st, Mr. Proulx was home

with Tanya while her mother took one of her other daughters to school. Tanya's mother last saw her in the living room watching television, while Mr. Proulx was on the couch.

Tanya's mother returned to her apartment approximately 10 minutes later when she heard Mr. Proulx call to her from the bathroom, "come here, quick." Mr. Proulx was holding Tanya in the sink, running cold water over her. Tanya was unclothed and unconscious. Tanya's mother asked what happened, to which Mr. Proulx replied "I don't know what happened to her...I was playing with her [by tossing her over my head] and her eyes rolled back in her head and she went limp." When Tanya's mother was unable to revive her, by shaking her and slapping the bottoms of her feet, she dressed Tanya and rushed her to the hospital. Although Tanya was determined to be clinically dead by the time she arrived at the hospital, she was not declared dead until five days later. Doctors pursued extensive medical treatment in the interim, but could not sustain Tanya's breathing or heartbeat.

A subsequent autopsy determined the cause of death to be "a skull fracture with acute subdural hematoma and cerebral edema." This injury was found to be inconsistent with Mr. Proulx's explanation of Tanya's injury. There was also evidence Tanya had been physically abused.

II. PAROLE HEARING ON NOVEMBER 17, 2015

Mr. Proulx came before the Parole Board on November 17, 2015 for a review hearing. This was his third appearance before the Board on this matter. Mr. Proulx's initial hearing took place on February 1, 2005 and resulted in parole being denied. Subsequently, he appeared before the Board for a review hearing on November 9, 2010, which was also denied. Mr. Proulx was represented by Student Attorneys Alice Highman and Sarah Teysen during his appearance before the Board.

Mr. Proulx gave an opening statement to the Board, in which he apologized for his actions. During the course of the hearing, he spoke about the day of the murder. According to Mr. Proulx he had arrived home earlier that morning, at approximately 5:30 AM. Both he and Tanya's mother used heroin and had intercourse, before falling asleep. He was awoken a short time later by Tanya's mother, who was leaving to take Tanya's sister to school. He agreed to watch Tanya and went into the living room where Tanya was crying. He lied down on the couch. Tanya continued to cry after her mother left, so Mr. Proulx started to play with her by tossing her up into the air and catching her. At some point, Tanya hit her head on the side of the couch causing her body to go limp. As Mr. Proulx made attempts to revive her, Tanya's mother came home and rushed her to the hospital.

Mr. Proulx admitted to physically abusing Tanya, prior to her death. During one incident he told the Board how he threw Tanya into a toilet seat because of the difficulty she had being toilet trained. On another occasion, Mr. Proulx described rubbing her face into a pool of urine on the floor. Although Mr. Proulx described Tanya's toilet training as a "difficult time", he admitted there were other occasions where he would hit her for no reason at all.

Mr. Proulx also discussed his previous experience of being on parole. At the time of Tanya's death, Mr. Proulx's parole officer was under the impression he lived at his brother's house. Mr. Proulx described the steps he took, after moving in with Tanya's mother, to deceive his parole officer into continuing to believe he resided with his brother. Mr. Proulx also reported abusing drugs and alcohol while on parole.


III. DECISION

The Board is of the opinion that Mr. Proulx has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming would be beneficial to Mr. Proulx's rehabilitation.

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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Proulx'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 whether risk reduction programs could effectively minimize Mr. Proulx's risk of recidivism.

After applying this standard to the circumstances of Mr. Proulx's case, the Board is of the unanimous opinion that Mr. Proulx is not yet rehabilitated and therefore does not merit parole at this time. Mr. Proulx's next appearance before the Board will take place in five years from the date of the review hearing related to this decision. During the interim, the Board encourages Mr. Proulx to continue working towards his full rehabilitation.

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.


Michael J. Callahan, Executive Director

December 22, 2015
Date