

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 STOWELL  
W58384

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** October 22, 2020

**DATE OF DECISION:** August 19, 2021

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

**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 conclude that the inmate is not a suitable candidate for parole. Parole is denied with a review in two years from the date of the hearing.<sup>1</sup>

**I. STATEMENT OF THE CASE**

On April 10, 1995, in Worcester Superior Court, David Stowell received a life sentence after being found guilty by a jury of first-degree murder in the stabbing death of Mark Davio. Following a Motion for a Required Finding, the Court found that the evidence did not support a first-degree murder conviction under the theory of extreme atrocity or cruelty. On June 12, 1995, Mr. Stowell’s conviction was reduced to second-degree murder, and he was sentenced to life in prison with the possibility of parole.

On or about 2:00 a.m., on November 20, 1993, Mark Davio (age 22) and David Stowell (age 32) were involved in a fight in the parking lot behind Fester’s Dog House and the Harding Rock Café in Worcester. Mr. Stowell stabbed Mr. Davio four times in the chest and leg. Mr. Davio died from stab wounds to the leg. Mr. Stowell fled the scene, but he was captured by two friends of the victim as he ran through nearby Compton Park.

<sup>1</sup> One Board Member voted to grant parole to an approved long-term residential program.

## **II. PAROLE HEARING ON OCTOBER 22, 2020**

David Stowell, now 60-years-old, appeared before the Parole Board on October 22, 2020, for a review hearing. He was not represented by counsel. Mr. Stowell had been paroled after his initial hearing in 2008, but his parole was revoked in 2009. After his 2010 review hearing, the Board voted to grant Mr. Stowell parole again. However, in late 2015, Mr. Stowell was returned to custody, and his parole was subsequently revoked in 2016. Mr. Stowell was re-paroled and released to a sober house on March 8, 2017. However, he tested positive for opiates on March 30, 2017. He returned to prison, and his parole was revoked a third time. Mr. Stowell was denied parole after his 2017 review hearing. In his opening statement, Mr. Stowell apologized to both the Board and the Davio family for his most recent failure on parole. He stated that he is "hoping for another chance," as he has tried to better himself since his most recent return to custody.

The Board discussed Mr. Stowell's unsuccessful history on parole. Mr. Stowell explained that he lived in residential programs, and with family, and maintained employment while on parole. He also attended substance abuse counseling and AA meetings multiple times each week, although he did not receive dedicated mental health treatment. Mr. Stowell acknowledged that he violated parole through association with individuals involved in criminal activity and substance abuse, claiming that he "thought he could help them." He told the Board that he was "unrealistic" in this belief. When the Board expressed concern that he assisted these individuals in pawning his mother's jewelry, Mr. Stowell stated that he was not involved in the theft of the jewelry; rather, he assisted at the pawn shop to avoid a confrontation.

The Board noted that Mr. Stowell's abuse of prescription drugs was another violation of parole during two separate parole releases. Mr. Stowell stated that he now knows he is not immune to relapse, despite his "healthy fear of drugs and alcohol." He explained that he did not use his support network, including his parole officer, to prevent relapse. Mr. Stowell told the Board that he is "angry with himself" because he did not know "how he could be so stupid." When Board Members questioned him as to his programming efforts regarding his substance abuse issues, Mr. Stowell stated that Pathways to Recovery has benefitted him. If released, he explained that he would refuse prescription drugs, so that he would not be tempted to abuse them.

Mr. Stowell stated that he recently obtained employment in the gym and had volunteered before the pandemic. The Board acknowledged that he participated in a couple of short-term programs and is on the waitlist for additional programs. Board Members were concerned, however, with Mr. Stowell's pattern of destructive thoughts, as well as his lack of motivation in the rehabilitation necessary for a successful parole. Mr. Stowell agreed that his judgment is poor, stating that he could benefit from counseling to address the causative factors underlying his repeated failures on supervision. The Board explained its struggle with how another parole release would be any different for Mr. Stowell, as he had previously stated to the Board that the behavior leading to his violations would "never happen again."

If released, Mr. Stowell hopes to live with, and care for, his mother. He also expressed a willingness to enroll in a long-term residential program. The Board noted that Mr. Stowell tends to gravitate towards people whose lifestyles are not conducive to his success on parole. Although he did not reach out to his supports on his prior paroles, Mr. Stowell maintained that he would use his support network, if released a fourth time.

The Board considered a letter in opposition to parole submitted by Worcester County District Attorney Joseph Early.

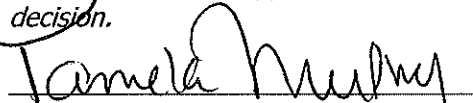
### **III. DECISION**

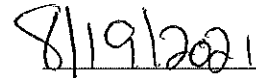
The Board is of the opinion that David Stowell has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Stowell has served approximately 27 years for the stabbing murder of Mark Davio. Although he has engaged in several programs, he has underlying issues at it relates to trauma, substance abuse, and vulnerability. He has squandered three prior parole opportunities. Mr. Stowell is encouraged to attend NA/AA and complete all recommended treatment/programming. Mr. Stowell needs to demonstrate that he is motivated to change. The Board is concerned as to the contradictory statements he made as it related to his return to custody.

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. Stowell'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. Stowell's risk of recidivism. After applying this standard to the circumstances of Mr. Stowell's case, the Board is of the opinion that David Stowell is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Stowell's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Stowell to continue working toward 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.*

  
Pamela Murphy, General Counsel

  
Date