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PAROLE BOARD

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Tina M. Hurley
Chair

RECORD OF DECISION

IN THE MATTER OF

DAVID STOWELL

W58384

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 25, 2022**

DATE OF DECISION: **January 11, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On April 10, 1995, after a jury trial in Worcester Superior Court, David Stowell was convicted 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.

Mr. Stowell appeared before the Parole Board for a review hearing on October 25, 2022. He was represented by student attorneys from Harvard University Law School. 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 Stowell had been paroled after his initial hearing in 2008, but his parole was revoked in 2009.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 However, he was returned to custody on March 30, 2017 and his parole was revoked a third time. Mr. Stowell was denied parole after his 2017 and 2020 review hearings. The entire video recording of Mr. Stowell's October 25, 2022, 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 conclude by unanimous vote that the inmate is a suitable candidate for parole.

Reserve to approved home plan. On November 19, 1993, Mr. Stowell murdered 22-year-old Mark Davio. He has been back in custody since 2017. He has engaged in programming to include GPMP, Pathway to Recovery, Criminal Thinking, and Cognitive Skills. He had been participating in AA until his significant medical issues prevented him from continuing attendance. Mr. Stowell has terminal cancer and has identified a parole plan that will address his treatment needs.

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. Applying this standard to the circumstances of Mr. Stowell's case, the Board is of the unanimous opinion that David Stowell is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to approved home plan; Waive work for medical issues; Curfew at PO's discretion; ELMO-electronic monitoring at PO's discretion; 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 victim's family.

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



Pamela Murphy, General Counsel

1/11/23
Date