



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

DAVID STOWELL

W58384

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 12, 2017

DATE OF DECISION: October 2, 2018

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

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 not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.¹

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.

¹ Four Board Members voted to deny parole with a 3 year review. Two Board Members voted to deny parole with a four year review.

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 the stab wounds to the leg. Mr. Stowell fled the scene, but was captured by two friends of the victim as he ran through nearby Compton Park.

II. PAROLE HEARING ON OCTOBER 12, 2017

David Stowell, now 56-years-old, appeared before the Parole Board for a review hearing on October 12, 2017. 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 Stowell had been paroled after his initial hearing in 2008, but his parole was revoked in 2009.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 parole was subsequently revoked in 2016. Mr. Stowell was re-paroled and released to a sober house on March 8, 2017, but he tested positive for opiates on March 30, 2017, and was returned to prison.

In his opening statement, Mr. Stowell apologized to the Board for appearing before them again and stated that he hopes to get back on track. When Board Members questioned Mr. Stowell about his history of alcohol and drug abuse, he said that he is an alcoholic. He began drinking and using marijuana in his mid-teens, trying cocaine occasionally. Mr. Stowell told the Board that he progressed to drinking on a daily basis, but remained sober for a few years after the birth of his daughter in 1984. He began to drink heavily again after losing his job and was arrested for driving under the influence. He was sent to a two week program, after which he was able to stay sober for a brief period of time. Prior to the murder, however, Mr. Stowell said he was drinking daily again. When the Board questioned Mr. Stowell about the night he murdered Mr. Davio, he stated that he was drunk and had no business being outside of the house or carrying a weapon. He claims that he did not have a record of violence, nor had he stabbed anyone before. Mr. Stowell lamented that he destroyed two families, stating that nothing he could say or do could take back his actions that night.

Board Members questioned Mr. Stowell about his parole history. After his initial parole release, Mr. Stowell said he was returned after 15 months for violating a no-contact order regarding his daughter. Mr. Stowell said that, in hindsight, he should have contacted his Parole Officer about the contact issues with his daughter. Mr. Stowell said he was released to the Harmony House long-term residential program in 2011 and stayed out of trouble until 2015. In 2015, Mr. Stowell explained that he was returned to custody for associating with criminals and for hoarding/using Percocet after the prescription had run out. Mr. Stowell said he allowed a homeless couple to stay at his mother's house, where he was staying. He claimed he was trying to help the couple get sober, but did not know whether the pair had criminal records. When he drove the man to a pawn shop, he noticed that the man had pawned Mr. Stowell's mother's jewelry. When the Board asked him why he did not report the incident to the police or to his parole officer, Mr. Stowell said he intended to buy back the jewelry when he got paid the next week. Mr. Stowell's parole was again revoked, and he was convicted of larceny and receiving stolen goods. He received a six month sentence.

Board Members also questioned Mr. Stowell about his return to custody, after testing positive for an opiate on March 30, 2017. Mr. Stowell said that his roommate had slipped a pill into his soda. He speculated that his roommate did not like him and was trying to get him kicked

out of his group home. Although Mr. Stowell knew his drink had been spiked, he claims he didn't report the incident to his parole officer, or to program staff, because he didn't want to get his roommate kicked out of the program. The Board noted a pattern of behavior where Mr. Stowell fails to reach out to his parole officer when he has problems. Board Members noted that being honest and forthright and saying, "I relapsed," does not necessarily mean a return to prison. Failing to inform a parole officer of such activity, however, could result in a return to prison.

Since his return to prison, Mr. Stowell said he has been involved in the General Mental Program (GMP) and has signed up for Health Awareness/Cognitive Skills. He has not attended Alcoholics Anonymous meetings because, he claims, it interferes with his bathroom and showering time. If paroled, Mr. Stowell would prefer a reserve to a long-term residential program, where he hopes to have help finding a job. After, he could live at his elderly mother's house, where he would help care for her. He would attend Alcoholics Anonymous and get mental health counseling, as needed. In addition, Mr. Stowell said he would be willing to take Vivitrol.

Mr. Stowell's brother, sister, mother, and oldest daughter all testified in support of parole. Worcester County Assistant District Attorney Michelle King testified in opposition to parole and submitted a letter of opposition, as well.

III. DECISION

The Board is of the opinion that David Stowell has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board did not perceive Mr. Stowell as credible. It is the opinion of the Board that Mr. Stowell is not rehabilitated. He should re-invest in treatment/programming.

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 yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Stowell's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Stowell 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.


Gloriann Moroney, General Counsel

10/2/18
Date