



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 TALBOT
W53646

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 8, 2020

DATE OF DECISION: March 10, 2021

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

STATEMENT OF THE CASE: On June 19, 1989, David Talbot was convicted of the second-degree murder of 32-year-old Nancy Fallon in the Berkshire Superior Court and was sentenced to serve life in prison with the possibility of parole. The conviction was affirmed on appeal.¹ At the time of the murder, Mr. Talbot was on parole for an armed robbery, therefore, the life sentence was ordered to run consecutive to the remainder of the 15-year sentence he was serving. In addition to the life sentence, Mr. Talbot received a concurrent sentence of 3 to 5 years for larceny of a motor vehicle.²

Mr. Talbot appeared before the Parole Board for a review hearing on October 8, 2020 and was represented by Attorney John Rull. This was Mr. Talbot's fourth appearance before the Board having been denied in 2007, 2012, and 2017. The entire video recording of Mr. Talbot's October 8, 2020 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

¹ Commonwealth v. Talbot, 35 Mass. App. Ct. 66, rev. denied, 417 Mass. 1101 (1994).

² On January 19, 2021, the Supreme Judicial Court in William Dinkins & Another v. Massachusetts Parole Board, 486 Mass. 605 (2021) invalidated 120 Code Mass. Regs. § 200.08(3)(c) and held that the Board must aggregate the parole ineligibility period of a life sentence with the parole ineligibility period of consecutive sentences for purposes of determining a single parole ineligibility date. In accordance with the SJC ruling, Mr. Osborne's parole eligibility was recalculated in order to determine a single parole eligibility date.

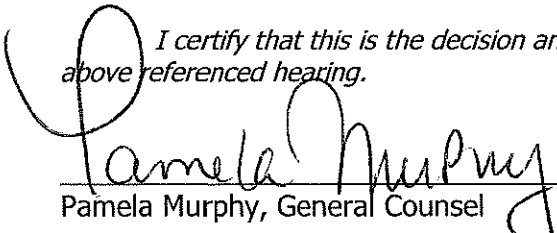
expressed at the hearing or in written submissions to the Board, we conclude that the inmate is a suitable candidate for parole.³ Reserve to Long Term Residential Program after 12 months in lower security. Mr. Talbot has served approximately 28 years for the murder of 32-year-old Nancy Fallon. Mr. Talbot has addressed his causative factors [including] substance abuse. He has been sober for over 25 years. Since his last hearing he has completed several programs to include several phases of Alternatives to Violence, Toastmasters and he has been active in religious services, Alcoholics Anonymous, 12 steps and Big Book. In addition, he has been studying for his CDL and real estate licenses. Release after a gradual transition meets the legal standard. Mr. Talbot needs to demonstrate that he can be successful in a lesser restrictive environment.

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. Talbot'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. Talbot's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Talbot's case, the Board is of the unanimous opinion that Mr. Talbot is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program (LTRP) after 12 months in lower security; Waive work for LTRP; 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 victim's family; Must have mental health counseling for adjustment and transition; AA/NA at least 3 times/week; Must complete LTRP.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Talbot, through counsel, has waived his right to a full administrative decision.

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


Pamela Murphy, General Counsel

3/10/2021
Date

³ Four Board Members voted to grant parole, and three Board Members voted to deny parole with a review in two years.