



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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Chairman

**DECISION**

**IN THE MATTER OF**

**DAVID TALBOT**

**W53646**

**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.<sup>1</sup>

**I. STATEMENT OF THE CASE**

On June 19, 1989, David Talbot was convicted of the second degree murder of 32-year-old Nancy Fallon and sentenced to serve life in prison with the possibility of parole. The conviction was affirmed on appeal.<sup>2</sup> 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.

<sup>1</sup> Four Board Members voted to deny parole with a three year review. Two Board Members voted to deny parole with a four year review.

<sup>2</sup> *Commonwealth v. Talbot*, 35 Mass. App. Ct. 66, rev. denied, 417 Mass. 1101 (1994)

On August 26, 1988, 24-year-old David Talbot was released on parole from a 15 year armed robbery sentence. Four days later, on August 30, 1988, Mr. Talbot and his co-defendant Patrick (A.K.A. Michael) Burke murdered Nancy Fallon. On September 3, 1988, Marlborough police found Ms. Fallon's abandoned car. Mr. Talbot's bloodstained cowboy boots and Mr. Burke's girlfriend's purse were found in the car. Ms. Fallon's body was found in a shallow grave about 75 feet up a hill from Route 20 in Hancock. An autopsy revealed that Ms. Fallon died from 22 stab wounds, strangulation, and severe blunt force trauma. Mr. Talbot and Mr. Burke had been seen drinking with Ms. Fallon in a Pittsfield bar prior to the murder. They were arrested a few days later and charged with murder.

## **II. PAROLE HEARING ON OCTOBER 12, 2017**

In June 1981, David Talbot escaped from a courthouse. In August 1981, he was sentenced to 15 years for armed robbery. In 1983, he escaped from the Northeastern Correctional Institute. In 1986, while on parole for his armed robbery sentence, Mr. Talbot was charged with 46 counts of larceny under \$250 and misuse of credit cards while working at a gas station. In 1988, after being released to his second parole, Mr. Talbot was charged with breaking and entering with intent to commit a felony, larceny from a building, larceny of a motor vehicle, as well as murder in the second degree (the governing offense). On September 13, 1990, while incarcerated, Mr. Talbot received consecutive sentences of 3 years to 3 years and a day for possession of heroin with intent to distribute. Mr. Talbot denied he was present at the murder during his initial parole hearing in 2007. He was denied parole in 2007, as well as after his review hearing in 2012.

Mr. Talbot, now 53-years-old, appeared before the Parole Board for a review hearing on October 12, 2017. He was represented by Attorney John Rull. In his opening statement, Mr. Talbot apologized to the family and friends of Ms. Fallon for his involvement in her murder. He also apologized for lying to the Board in 2007. Mr. Talbot expressed his remorse and claimed to be rehabilitated. He said he has completed nearly 75 programs and works with juvenile offenders through Project Wake-Up. He said he also works in the Reintegration Treatment Unit and on trustee assignments. Mr. Talbot said he is an active church member and attends Alcoholics Anonymous meetings weekly. He notes that he has not had a violent disciplinary report in 20 years. Attorney Rull noted that Mr. Talbot had an abusive childhood and left home at age 13.

Upon questioning by the Board, Mr. Talbot spoke about the murder of Ms. Fallon. On the evening of August 30, 1988, Mr. Talbot said that he and Mr. Burke went to a bar to have drinks, where they met Ms. Fallon. Mr. Talbot said that he, Mr. Burke, and Ms. Fallon left in Ms. Fallon's car to go to another bar, where they continued drinking. Mr. Talbot told the Board that at one point, he threw up and went to sleep in the back of Ms. Fallon's car. Mr. Talbot said that when he woke up in the back seat, Ms. Fallon and Mr. Burke were arguing and physically fighting, with Mr. Burke stabbing Ms. Fallon. After the murder, he agreed to help Mr. Burke clean up the crime scene and dispose of the body in the woods. A few days later, Mr. Talbot said that he, Mr. Burke, and a third person returned to bury the body. Mr. Talbot and Mr. Burke were arrested in Fitchburg shortly thereafter.

Board Members questioned Mr. Talbot about discussions in his 2012 parole hearing regarding inconsistencies in his testimony. Mr. Talbot recalled a discussion about how Ms. Fallon's stab wounds were clean, which indicated that she was not moving when stabbed. This

contradicted his testimony that Ms. Fallon and Mr. Burke were fighting when the stabbing occurred. At this hearing, Mr. Talbot explained that when they had taken the victim's body out of the car, he asked Mr. Burke, "Are you sure she's dead?" Mr. Burke had responded, "I'll take care of it" and then stabbed Ms. Fallon repeatedly. Mr. Talbot seemed to be suggesting that the clean stab wounds were from this second stabbing. The Board also noted that forensic evidence indicated Ms. Fallon had been stomped on by someone wearing boots, similar to the cowboy boots Mr. Talbot was wearing on the night of the murder, and not the running shoes Mr. Burke was wearing. Mr. Talbot denied stomping on the victim, suggesting that those injuries occurred when they dropped Ms. Fallon down a 30 foot culvert. When asked about the bloody tire iron found near Ms. Fallon's body, Mr. Talbot said that it was not used in the attack.

Board Members questioned Mr. Talbot about his prior parole history. The Board noted that while Mr. Talbot has impressive program involvement, work history, and only a few disciplinary reports, he also participated in two escapes, committed multiple larcenies on his first parole and a murder on his second parole, in addition to being convicted for dealing heroin (while serving his current sentence). Mr. Talbot said that he has been sober since 1992, stating that his conviction for smuggling heroin into prison was a wake-up call. Mr. Talbot explained that he was drinking and using drugs from the moment he got out of prison on his former paroles, which led him to poor decision making. Through the Criminal Thinking program, he has learned to change his mental pathways. He says he has realistic beliefs and avoids his former dysfunctional ways of living. In addition to his sobriety, Mr. Talbot notes that his church involvement has helped him, particularly with the Build a New You program.

Mr. Talbot said that he has a strong parole plan, eventually hoping to step-down to a minimum security prison, then to a sober house, and ultimately, live with his wife in California. Mr. Talbot noted that he has been sober for 25 years and has maintained an Alcoholics Anonymous sponsor in California for the past 13 years. Mr. Talbot said he recognized the challenges inmates face in trying to re-enter society and works with the Re-integration unit at North Central Corrections Institute. He hopes his barber's license, dog training certificate, and culinary certificate will help him find work.

Mr. Talbot's wife and numerous friends and family submitted letters in support of parole. Berkshire Assistant District Attorney Joseph Pieropan testified in opposition to parole. Numerous members of the victim's family submitted letters in opposition to parole, as well.

### **III. DECISION**

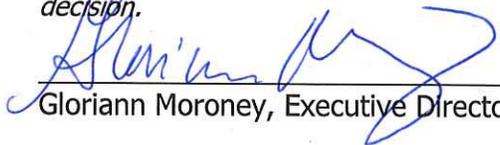
The Board is of the opinion that David Talbot has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Talbot, in recent years, began to fully acknowledge his culpability in the murder of Nancy Fallon. He should continue to maintain a positive deportment and engage in rehabilitative 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. 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 standard to the circumstances of Mr. Talbot's case, the Board is of the unanimous opinion that David Talbot is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Talbot'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. Talbot 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.*

  
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Gloriann Moroney, Executive Director/General Counsel

10/2/18  
Date