



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

Gloriann Moroney
Executive Director

DECISION

IN THE MATTER OF

DAVON MCNEIL

W82395

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 26, 2018**

DATE OF DECISION: **February 21, 2019**

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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. Parole is granted to an approved home plan after 18 months in lower security and with special conditions.

I. STATEMENT OF THE CASE

On September 15, 2003, after a jury trial in Plymouth Superior Court, Davon McNeil was found guilty of second degree murder for the death of Bruce Montrond and sentenced to serve life in prison with the possibility of parole. Mr. McNeil's conviction was affirmed in November 2006 (*Commonwealth v. McNeil*, 67 Mass. App. Ct. 1115 (2006)). In May 2007, the Supreme Judicial Court denied further appellate review (*Commonwealth v. McNeil*, 449 Mass. 1102 (2006)).

On July 19, 2000, at approximately 12:30 p.m., Brockton police responded to a series of gunshots in the area of 30 Fuller Street. Upon arrival, police learned that all parties involved in the shooting had fled the area. Minutes later, police received information from the city hospital that a gunshot victim (later identified as Bruce Montrond) had just been brought to the emergency room. Mr. Montrond died as a result of two gunshot wounds: one to the chest and one to the abdomen.

After a thorough investigation, police determined that earlier in the day on July 19, Mr. Montrond's cousin had given him and his friend a ride to Fuller Street, where they exited the car. Mr. McNeil was also walking on Fuller Street, and he and Mr. Montrond began to have a verbal dispute. Mr. Montrond's cousin remained in the car and heard gunshots coming from behind her. She saw a black male with a gun, firing in the direction of Mr. Montrond. The shooter, later identified as Mr. McNeil, then ran to a car and drove away. Mr. Montrond's cousin then leaned over to open the front passenger door, as Mr. Montrond collapsed into her car. She drove him to the hospital. When shown a photo array, Mr. Montrond's cousin identified Mr. McNeil as the shooter. There were also several other individuals who witnessed the shooting and had identified Mr. McNeil as the shooter, as well as the person arguing with the victim before he was shot. On July 24, 2000, 22-year-old Davon McNeil was arrested in Dorchester and charged with the murder of 20-year-old Bruce Montrond.

II. PAROLE HEARING ON JUNE 26, 2018

Davon McNeil, now 41-years-old, appeared before the Parole Board on June 26, 2018, for a review hearing. Mr. McNeil was represented by Student Attorneys Alexandra Rawlings and Milo Inglehart of the Harvard Prison Legal Assistance Project. Mr. McNeil had been denied parole after his initial hearing in 2015. Mr. McNeil offered an apology to the victim's family, as well as apologies to his own family and neighborhood for the damage his actions caused. Mr. McNeil admitted that he was a drug dealer, who was completely immersed in the "street lifestyle" starting at age 15. He acknowledged that the absence of his incarcerated father and the substance abuse of his mother led to him leave home and engage in activities that contributed to the destruction of his neighborhood.

The Board questioned Mr. McNeil as to how he would characterize the governing offense. He said that he committed a senseless murder because he was an angry, selfish person with no control of his emotions. He told the Board that he had known Mr. McNeil to be a good, loyal person with a loving family, who did not deserve what he did. Mr. McNeil said that since his incarceration, and specifically since his initial hearing in 2015, he has done his best to remedy his shortcomings through programming. The Board noted Mr. McNeil's lack of disciplinary issues in prison and asked how he succeeded in staying out of trouble. Mr. McNeil stated that he was determined to remove himself from the criminal lifestyle that led to the commission of the governing offense and, instead, chose to serve his time by "focus[ing] on becoming a better person."

Mr. McNeil attributed his productivity in prison to his participation in programs, such as Advanced Anger Management, Restorative Justice, the Nurturing Fatherhood Program, and Project Youth, among others. Through these programs, Mr. McNeil explained that he finally began to understand the "deep ripple effect" of his crime. The Board further noted that Mr. McNeil has maintained employment and published two books throughout his incarceration. Mr. McNeil detailed a parole plan that consisted of a step down to minimum security, before being moved to a pre-release program that would allow him to work and save money to support both himself and his family. The Board noted Mr. McNeil's extensive family and community support, including his two daughters and a girlfriend of 25 years, with whom he would like to live, if granted parole. Mr. McNeil admitted that he could benefit from mental health counseling to assist with reentry after 18 years of incarceration.

Mr. McNeil's father, cousin, and a family friend testified in support of parole. The Board considered written submissions in support of parole from Mr. McNeil's girlfriend, five family members, a family friend, and three individuals involved in community programming. The victim's mother testified in opposition to parole. Plymouth County Assistant District Attorney Christina Crowley testified in opposition to parole. The Board also considered the written submission of Plymouth County District Attorney Timothy Cruz in opposition to parole.

III. DECISION

The Board is of the opinion that Davon McNeil has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society.

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 consideration Mr. McNeil's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction could effectively minimize Mr. McNeil's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. McNeil's case, the Board is of the opinion that Davon McNeil merits parole at this time. Parole is granted to an approved home plan after 18 months in lower security and with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for two weeks; Must be at home between 10 pm and 6 am at PO's discretion; Electronic monitoring - GPS 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; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling and adhere to plan.

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.



Shara Benedetti, Acting General Counsel

2/21/19

Date