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**PAROLE BOARD**

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**Paul M. Treseler**  
Chairman

**Michael J. Callahan**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**KENNETH STIMPSON**  
**W37331**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** July 12, 2016

**DATE OF DECISION:** November 22, 2016

**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 opinion that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On or about October 25, 1979, in Middlesex Superior Court, Kenneth Stimpson pled guilty to the second degree murder of John McCann.<sup>1</sup> Mr. Stimpson was sentenced to life in prison with the possibility of parole. At the time of Mr. McCann's murder, Mr. Stimpson was 26-years-old.

In the early hours of August 24, 1978, Mr. Stimpson and his brother, Michael Stimpson, picked up Mr. McCann as he was hitchhiking on a highway in Lowell. Mr. McCann asked the Stimpson brothers for a ride to Route 128. Mr. Stimpson and his brother asked Mr. McCann if he had any drugs. When Mr. McCann responded that he did not, both Mr. Stimpson and his brother attacked him inside their car. Mr. Stimpson's brother then drove the car to a dirt road

<sup>1</sup> Court records appear to indicate that Mr. Stimpson entered a change of plea on October 25, 1979, but the disposition was entered on October 26, 1979.

in Billerica. Both men dragged Mr. McCann out of the car by his hair, and then beat and strangled him until he lost consciousness. The brothers stripped Mr. McCann from the waist down, propped him up against a tree, and left the area. Later that morning, a Billerica police officer discovered Mr. McCann while on patrol, and he was transported to the hospital. Mr. McCann succumbed to his injuries later that day.

## **II. PAROLE HEARING ON JULY 12, 2016**

After two hearings in which parole was denied, Mr. Stimpson was released to parole supervision on June 15, 2004. Mr. Stimpson, however, was returned to custody in September 2005, after being suspected of making advances toward a mail carrier. A search of Mr. Stimpson's residence revealed his possession of drug paraphernalia and weapons, including swords, knives, a BB rifle and a BB pistol. As a result, Mr. Stimpson's parole was revoked. Mr. Stimpson then appeared for review hearings in May 2006 and July 2011, both of which resulted in the denial of parole.

Mr. Stimpson, now 64-years-old, appeared before the Parole Board on July 12, 2016, for a review hearing. At this hearing, Mr. Stimpson did not make an opening statement to the Board. In reference to the murder, he stated, "...if I could turn things back it never would have happened. If I wasn't an alcoholic and a drug addict, it would have been different, but I regret it every day of my life." When asked why he and his brother killed Mr. McCann, Mr. Stimpson said, "I don't know. I have no clue." Mr. Stimpson stated that he was high on "barbiturates, marijuana, and Jack Daniels." When asked whether they drove over Mr. McCann's head, Mr. Stimpson said that it was impossible, since they had leaned him against a tree in a sitting position.

A Board Member asked Mr. Stimpson if he had reviewed the Board's decision denying him parole after his last hearing. He stated that he had not read it by saying, "I just got the denial and I checked it and I walked on... I'm in a position where I can't change minds." The Board Member then read aloud from the 2012 Record of Decision and asked whether Mr. Stimpson had done anything since the last hearing to address the Board's concerns. Mr. Stimpson said that he had not, since there were no programs at MCI-Shirley that were "designed for" him. A Board Member then listed some programs that would be beneficial, such as Criminal Thinking, but Mr. Stimpson insisted that he could only do those programs if he enrolled in a drug program or the Correctional Recovery Academy (CRA), which he refused to do.

When asked about the reasons for his parole revocation, Mr. Stimpson refused to take responsibility. When a Board member noted that Mr. Stimpson's mail carrier reported that he wanted to do drugs with her, Mr. Stimpson denied it by saying, "I don't know where she got that idea." A Board Member reminded Mr. Stimpson that the mail carrier also felt threatened. Mr. Stimpson denied threatening her by saying, "No, I said 'whoever hurts an animal ought to be shot in the face.'" Mr. Stimpson could not understand that this statement might be considered threatening, particularly as he was holding a gun at the time. (Mr. Stimpson said that he was holding a BB pistol because his granddaughter had left it in the lawn, and he had picked it up.) Mr. Stimpson also denied ownership of the crack pipe or any of the weapons, saying that they all belonged to his son, who was living with him at the time. When a Board Member pointed out that Mr. Stimpson was disputing all the reasons why his parole was revoked, Mr. Stimpson stated that he didn't think he had been doing anything wrong. A Board



Member expressed concern that Mr. Stimpson's attitude could impact his ability to accept supervision on parole.

There were no witnesses in support of Mr. Stimpson's parole. The Board considered testimony from Mr. McCann's son, as well as Middlesex County Assistant District Attorney Christopher Tarrant, both of whom expressed opposition to Mr. Stimpson being granted parole.


### **III. DECISION**

The Board is of the opinion that Mr. Stimpson has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and additional programming would be beneficial to Mr. Stimpson's rehabilitation. In reaching this decision, the Board notes that Mr. Stimpson has not engaged in any programming since he returned to custody and has a high risk assessment score.

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. Stimpson'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. Stimpson's risk of recidivism. After applying this standard to the circumstances of Mr. Stimpson's case, the Board is of the unanimous opinion that Mr. Stimpson is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Stimpson's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Stimpson 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, General Counsel

11/22/16  
Date