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RECORD OF DECISION

In The Matter of

STEPHEN DAVID

W52348

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 21, 2014

DATE OF DECISION: February 17, 2015

PARTICIPATING BOARD MEMBERS: Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years.¹

I. STATEMENT OF THE CASE

On April 13, 1992, in Norfolk County Superior Court, Stephen David, pleaded guilty to the second degree murder of Abraham Champlain, age 43.² David received a life sentence with the possibility of parole after serving fifteen years.

¹ One Board Member voted for a four year review date, noting his criminal history that included several arraignments for OUI, and his insincere presentation at the hearing, particularly with regard to his description of his rehabilitative efforts and his role in the crime.

² Co-defendant, Stephen Rose (W52504) was convicted of manslaughter and sentenced to eighteen to twenty years for his participation in the crime. He was committed to MCI-Walpole on May 7, 1992 and was released on July 10, 2001 after completing his sentence.

Co-defendant, Derrek Scott Royal (W52696) pleaded guilty to manslaughter and received three years to three years and one day for his participation in the crime. He was released to the street after serving his sentence.

In October 1990, Mr. Champlain was a homeless Vietnam veteran living at a campsite with Scott Royal in a heavily wooded area of Faxon Park in Quincy. On October 1, 1990, Mr. Champlain returned to his campsite after withdrawing \$100 from his bank account. Steven David, then age 30, and an associate, Stephen Rose, and their girlfriends, went to the campsite that afternoon and began drinking into the early evening hours. Rose reportedly indicated that they wanted to get Mr. Champlain "wasted" and then steal his money.

Once the alcohol was totally consumed, Mr. Champlain and Royal went to purchase more. The two had an argument during the errand. Royal returned first and Mr. Champlain returned much later, accusing Royal of taking his money. Rose announced that they would hold a "kangaroo court" to settle the dispute. Rose, David, and Royal "found" Mr. Champlain "guilty" and "sentenced" him to hang. Rose and David then took Mr. Champlain to a nearby tree, strung him up by the ankles, and hung him upside down off a branch while David threw rocks at him. Mr. Champlain was eventually cut down and the group slept at the campsite.

The next morning, David and Royal purchased more alcohol with money stolen from Mr. Champlain and the group resumed their drinking. At some point in the early afternoon, Rose ordered Mr. Champlain to take off his clothes, forced him to wear a pair of women's pajamas, and to sit while David and others humiliated him by pouring containers of garlic and tomato sauce over his head.

David and the other men then dragged Mr. Champlain to a second tree and hung him in the same fashion as before. David and Royal then urinated on Mr. Champlain as he was hanging. They cut him down and dragged Mr. Champlain by the rope, which was around his ankles, to a nearby cliff and rolled him off while he was still conscious. The cliff was approximately 36 feet high.

Mr. Champlain landed in a tree partway down the cliff. David caught up to Mr. Champlain and dragged him to the bottom of the cliff. David then tied him to a third tree with Mr. Champlain's arms suspended over his head and his legs on the ground. David then struck Mr. Champlain 10 to 15 times in the upper torso with a loose tree branch. Mr. Champlain screamed with each blow until the last few when he became silent. Mr. Champlain was left in this state until Rose cut him down from the tree and put a blanket on him.

As Mr. Champlain lay where he was left, the group spent the night at Mr. Champlain's campsite. When they got up the next morning, David and Rose told their respective girlfriends to deny, if asked, ever going to Faxon Park or of ever meeting Mr. Champlain. David and Rose then burnt several pieces of evidence in a campfire and left the area.

On October 17, 1990, the Quincy Police found the decomposing body of Mr. Champlain in Faxon Park. An autopsy revealed that Mr. Champlain had several facial fractures, broken ribs, and a compound fracture of his leg and that he suffered multiple traumas by a blunt instrument. A knife, rope, and 28 beer cans were also found in the area.

II. PAROLE HEARING ON OCTOBER 21, 2014

This is David's third appearance before the Board following parole denials in 2005 and 2010. David's 2010 hearing resulted in a denial with a four year review. At that time, the

Board concluded that David remained a risk to public safety and suggested that he continue working on accepting responsibility for Mr. Champlain's murder and that he "abide by the rules of the institution."

David was represented at the hearing by a Northeastern University Law School student. David apologized for the offense and requested to be paroled to the Gavin House residential treatment program after one year in lower custody. David said he did not explain himself "very well" to the Board at his 2010 hearing because he was ashamed of himself. He now states that he had over five years of counseling, yet he had not been in counseling since 2005. He told the Board that he believes that he will need to continue counseling, form a relationship with an Alcoholics Anonymous (AA) sponsor, and attend AA three to four days per week, if paroled to the community.

David said that, in 2000, he "came to terms" with what he did to Mr. Champlain and became "truly remorseful." When asked whether he was still receiving counseling, David reported that he stopped attending mental health treatment in 2005 and has not had any counseling since that point. When questioned about his role in the torture and abuse of Mr. Champlain, David, incredibly, noted that Mr. Champlain could have left anytime he wanted and that Mr. Champlain was never threatened or prevented from leaving.

Three individuals spoke in support of parole of David, including his father, his sister, and a friend. Norfolk County Assistant District Attorney Stephanie Glennon spoke in opposition.

III. DECISION

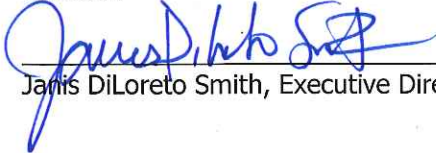
Stephen David is serving a life sentence for brutally beating and participating in the torture, abuse, humiliation, and eventual death of Abraham Champlain, who was a homeless veteran. David has engaged in programming during his incarceration and his institutional conduct has improved since 2010. Since his 2010 hearing, David incurred only one minor disciplinary infraction for having a jar of jelly outside of his window. Despite this improvement, however, it is the opinion of the Board that David is not rehabilitated.

At the hearing, David seemed devoid of empathy for Mr. Champlain's suffering and death and did not appear "truly remorseful." His presentation lacked feeling and seemed rehearsed. At one point, he casually stated that Mr. Champlain was free to leave at any time, despite the fact that he and his friends had invaded Mr. Champlain's campsite and exploited Mr. Champlain's generosity by robbing, torturing, and beating him to death. In this regard, David plainly minimizes his criminal responsibility. Furthermore, David did not seem sincere in his desire to continue addressing his issues through mental health counseling, as demonstrated by his lack of counseling over the past nine years leading up to this hearing. In short, David still has work to do.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Stephen David is not suitable for parole at this time as

he is not rehabilitated. The review will be in three years, during which time David is encouraged to engage in counseling and any other rehabilitative programming that will assist him in becoming more insightful and empathetic, and in sincerely communicating his feelings.

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.


Janis DiLoreto Smith, Executive Director

2/17/15
Date