



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

KENNETH STIMPSON

W37331

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: July 21, 2011

DATE OF DECISION: August 16, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied. The next hearing will be in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Kenneth Stimpson and his brother Michael Stimpson picked up John McCann, who was hitchhiking on the Lowell Connector, on August 24, 1978. The Stimpson brothers were heavy drug users and hoped that Mr. McCann would have drugs. When they learned that Mr. McCann did not have drugs, the brothers became angry. The Stimpson brothers drove down a dirt road to a wooded area in Billerica where the brothers beat Mr. McCann to death. They punched him, strangled him, and kicked him repeatedly in the head and chest. Upon arrest, each brother gave a statement to police. The brothers gave different explanations for why they attacked the victim, which leads to the conclusion that one or both brothers lied on that significant point.

Mr. Stimpson pleaded guilty to second-degree murder on October 25, 1979 in Middlesex Superior Court. His brother pleaded guilty to second-degree murder and is currently on parole.

Kenneth Stimpson had several criminal cases before the murder but the cases did not result in convictions. He had five separate cases involving violence (armed robbery, assault and battery with a dangerous weapon, and assault and battery) that were dismissed or placed on file without punishment during the years leading up to the murder.

II. PERFORMANCE ON PAROLE

The Parole Board denied parole after the initial hearing in 1993 and after the second hearing that the inmate postponed until 2001. The Parole Board granted parole after a hearing in 2004 and Kenneth Stimpson was released on parole supervision on June 15, 2004 after serving 27 years.

Mr. Stimpson lived with his wife in Tyngsboro and worked for a moving company. He violated several conditions of parole in the summer of 2005 and was returned to custody on September 19, 2005. Mr. Stimpson's mail carrier reported that Mr. Stimpson asked her several times to come into his house and use drugs. Additionally, she observed Mr. Stimpson with a gun standing in his yard. On a separate occasion, Mr. Stimpson told the mail carrier that if he confirmed which neighbor left out poison that killed his dog he "would shoot that person in the face." After receiving this information, parole officers searched the Stimpson residence and found a crack pipe, four swords, a BB rifle, a BB pistol, hunting knives, and smaller knives.

Based on the multiple violations, parole was revoked and Mr. Stimpson resumed serving his life sentence. He had a review parole hearing in May 2006 after which the Board denied re-parole and set a five-year review. The Board concluded that Mr. Stimpson "minimizes and/or denies the violations; given his lack of responsibility and the serious nature of the violations, the Board believes Mr. Stimpson has demonstrated he is not ready for community supervision and poses an ongoing public safety risk."

III. PAROLE HEARING ON JULY 21, 2011

Kenneth Stimpson received parole on his third attempt in 2004. His parole was revoked after only 15 months. Re-parole was denied after a hearing in 2006. At this hearing Mr. Stimpson denied all of the conduct that resulted in parole violations. He stated that he made none of the statements reported by the letter carrier and asserted that all of the weapons and the crack pipe belonged to his son who was staying at the house "off and on."

The inmate testified that he never made a threat concerning his neighbor. This conflicts with previous statements made to parole staff in which he said he made some "veiled threats" only because he was affected by vicodin that he was taking. Responding to the report that he was seen standing in his yard with a gun, the inmate said it was a BB gun and that he had "picked it up when he found it in the yard."

Mr. Stimpson currently attends meetings of the Native American Circle but has not been involved in other programming since his revocation.

Middlesex Assistant District Attorney Steven Hctor spoke in opposition to parole. John McCann's son spoke in opposition. No one appeared in support of parole. Mr. Stimpson's wife and son were not present. The inmate has six siblings; none of them attended the hearing.

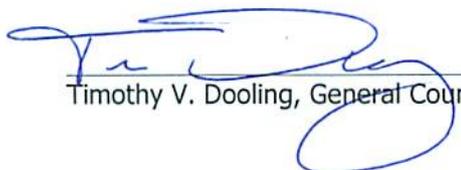
IV. DECISION

Parole Board members did not accept the inmate's statements concerning his violations and concluded that he is not candid in describing the parole violations. The mail carrier has no reason to fabricate events. She documented and properly reported Mr. Stimpson's inappropriate behavior and the Parole Board credits her description of events. While on parole, the inmate made statements indicating he used drugs, carried a gun in his front yard, and made threats to shoot a neighbor. Weapons and a crack pipe were recovered from the inmate's residence.

Kenneth Stimpson has not provided any basis for re-parole. He has developed no insight on his conduct and offers no plan for improving his behavior if re-paroled. He is not involved in rehabilitative programs. Because of his repeated misrepresentations made at two hearings, the inmate now has credibility issues that he needs to resolve before he is suitable for parole supervision.

The Parole Board concludes that Kenneth Stimpson would be likely to re-offend if released and his parole is not compatible with the welfare of society. Accordingly, parole is denied. Mr. Stimpson was not prepared for community supervision and needs further rehabilitation to develop and maintain insight, honesty, sobriety, pro-social behavior, and cooperation with the requirements of supervision and the expectations of the community. Recognizing the amount of work required for Mr. Stimpson, it would be counter-productive to grant a review before the statutory period of five years.

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



Timothy V. Dooling, General Counsel

8/16/12

Date