



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

GIBNEY GABRIEL

W47019

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: October 18, 2011

DATE OF DECISION: October 4, 2012

PARTICIPATING BOARD MEMBERS: Cesar A. Archilla, Charlene Bonner, Sheila M. Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration, Mr. Gabriel's request for parole is denied by a unanimous decision of the Board. The review of that decision will be in four years.

I. INTRODUCTION

Gibney Gabriel appeared before the Massachusetts Parole Board for a review hearing (due to a parole violation) on the life sentence he is serving at MCI Shirley Medium. On September 11, 1989, Mr. Gabriel pled guilty to second degree murder in the shooting death of Michael Alexandre, age 16.

II. STATEMENT OF THE CASE

On September 7, 1988 at approximately 8:30 P.M., Gibney Gabriel went to the home of Ralph and Michael Alexandre at 780 Washington Street in Dorchester. Mr. Gabriel told Ralph that another teen named Preston (later identified as Preston Bough) wanted to "beef" with him outside. Ralph Alexandre went outside with his brother Michael Alexandre and Mr. Gabriel. Ralph and Preston began to shove each other when his brother Michael attempted to intervene. Mr. Gabriel then grabbed Michael, told him to "stay out of this," produced a black .22 revolver and fired it once into the victim's face. Ralph stated that Gabriel turned the gun on him (Ralph) and pulled the trigger twice, but the gun did not fire. Ralph Alexandre ran home and called the police. Michael Alexandre was transported to Boston City Hospital and was pronounced dead

on September 9, 1988. A warrant for Mr. Gabriel was issued and he was subsequently arrested in South Burlington, Vermont.

III. PAROLE HISTORY

On December 5, 2005, Mr. Gabriel was released on parole to live at his mother's home in Mattapan. Other than experiencing difficulties finding and maintaining employment, Mr. Gabriel appeared to be adjusting reasonably well until a parole violation report issued on June 30, 2007. Mr. Gabriel had contact with Boston Police on June 13, 2007, allegedly giving the police a difficult time. Mr. Gabriel stated to parole that it was his brother Audley Gabriel that argued with police and his brother supported that story. Mr. Gabriel admitted he never notified his parole officer that the police had been at his home. He received a final warning and parole supervision resumed.

On June 19, 2008, a second parole violation report issued following an investigation by Boston Police of Mr. Gabriel's possible involvement in a June 14, 2008 shooting. Pursuant to a search warrant, a gun was found outside Mr. Gabriel's bedroom window. After a Grand Jury investigation, prosecutors informed the Parole Board that Mr. Gabriel was not being charged and was no longer a suspect in the shooting. The Board voted not to affirm the revocation and Mr. Gabriel was released to supervision on September 19, 2008.

In September 2010, Mr. Gabriel changed his address to an unknown location and stopped reporting to his parole officer. Because Mr. Gabriel was whereabouts unknown, a parole warrant was issued for his arrest on October 8, 2010. On October 9, 2010, parole officers observed Mr. Gabriel walking down Creston Street. Upon seeing parole officers, he ran up the street, got into a vehicle and sped away. The car belonged to his girlfriend, Christine Beauchesne, who contacted the parole officer on October 11, 2010 and advised that Mr. Gabriel wished to turn himself in. Mr. Gabriel was arrested by Lowell Police on the parole warrant.

Mr. Gabriel's 2010 parole violations included irresponsible conduct in evading apprehension and fleeing from parole officers, failure to report to parole as directed, failure to notify parole of change in residence to an undisclosed location, failure to pay supervision fees, and testing positive for marijuana use on three different dates in 2010.

IV. CRIMINAL AND INSTITUTIONAL HISTORY

Mr. Gabriel is serving his first incarceration. As a juvenile, Mr. Gabriel committed an armed robbery, a larceny from a person, and an assault and battery.

While incarcerated, Mr. Gabriel has accumulated approximately 49 disciplinary reports, one DDU placement, 3 returns to higher custody and several lateral transfers. His disciplinary record includes fighting, assaulting another inmate, refusing to lock-in, insolence, abusive language to staff, disobeying orders, possession of contraband, and being out of place. In 1990, Mr. Gabriel received a one-year DDU placement following disciplinary reports for assaulting two separate inmates. Those assaults were related to gang activity involving strong arming and extortion. His last disciplinary report was in April 2002.

Mr. Gabriel has minimal program participation. He completed the Correctional Recovery Academy and Transition Planning in 2003. He obtained his GED in 1995 and completed the Barber's licensing course in 2002. He reports prior participation in the Lifer's Group and religious programming. Since his return to custody, he reports participation in Smart Recovery and AA/NA meetings.

V. PAROLE HEARING ON OCTOBER 26, 2010

Gibney Gabriel admitted that he fired his gun and killed Michael Alexandre. Contrary to Grand Jury evidence, he denied pointing his gun at or trying to shoot Ralph Alexandre. He also denied that he committed the armed robbery on his juvenile record; he said he was "swept up by police" because he was with "other kids" who were involved. Mr. Gabriel was unable to explain his parole failure, other than to blame stress from his family members as the reason for his marijuana use and whereabouts unknown. He denied that he knowingly fled from parole officers on October 9; Board members concluded that he was dishonest in describing the October 9 events.

Mr. Gabriel's presentment before the Board demonstrated that he was unprepared for re-integration into the community and highlighted an inability to appreciate the seriousness and demands of supervised release. He had an overall poor adjustment on parole despite his parole officers' attempts to work with him and afford him many opportunities to improve. His multiple parole violations evidenced a lack of commitment towards meaningful rehabilitation and revealed someone who appeared to view the rules of parole as optional. His explanations for his shortcomings on parole shifted the blame to various factors instead of focusing on his personal responsibilities. Though appearing sincere at times, Mr. Gabriel also minimized his actions in this murder and lacked credibility in attempting to explain his fleeing from his parole officer. Mr. Gabriel needs to work on the skills necessary for successful reintegration. He needs to engage in additional programming to gain better insight and prepare a more comprehensive parole plan.

VI. DECISION

Thus, for all of the above reasons, it is the unanimous opinion of the Board that at this time Mr. Gabriel's release is not compatible with the welfare of society and it is not reasonably probable that Gabriel would not re-offend if paroled. Parole is denied and the period of review is four years.

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


Caitlin E. Casey, Chief of Staff

10/4/12
Date