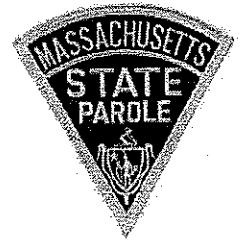


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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

Gloriann Moroney

Chair

Kevin Keefe

Executive Director

DECISION

IN THE MATTER OF

ALEXANDER MOLINA

W91619

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 25, 2020

DATE OF DECISION: March 9, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On February 28, 2008, after a jury trial in Bristol Superior Court, Alexander Molina was convicted of second-degree murder in the death of James Gauoette. He was sentenced to life in prison with the possibility of parole. On that same date, he received a concurrent 4 - 5 year sentence for possession of a firearm. In 2011, Mr. Molina's sentence was affirmed, following an unsuccessful appeal attempt.²

¹ Three Board Members voted to reserve Mr. Molina to an approved home plan after completing 9 months in minimum security.

² *Commonwealth. v. Molina*, 969 N.E.2d 738 (Mass. App. 2012)

On March 30, 2005, Alexander Molina shot and killed James Gauoette in New Bedford. According to several witnesses, Mr. Gauoette approached Mr. Molina on foot and asked to speak with him. Mr. Molina, having allegedly perceived Mr. Gauoette as a threat, reached in the trunk of his car to retrieve his firearm. He then shot Mr. Gauoette approximately 3 to 4 times. Mr. Molina was seen fleeing the scene. Shortly thereafter, he was spotted nearby, exiting a house in different clothing. Then, on that same day, Mr. Molina returned to the scene of the crime to retrieve his car after being informed that it would be towed. Upon arrival, police officers questioned Mr. Molina and then proceeded to take him to the station for further investigation. Mr. Molina attempted to avoid responsibility by lying to officers, but having received additional eye-witness testimony, police arrested him for the murder of Mr. Gauoette.

II. PAROLE HEARING ON JUNE 25, 2020

Alexander Molina, now 41-years-old, appeared before the Parole Board for an initial hearing on June 25, 2020, and was represented by law student Jesslin Wooliver of the Harvard Prison Legal Assistance Project. In his opening statement to the Board, Mr. Molina apologized to the Gauoette family and expressed regret and remorse for his crime. He explained that he prays for the Gauoette family daily because of the pain he caused them. When the Board inquired about his social history prior to the murder, Mr. Molina stated that he was born and raised in Puerto Rico. When he was 14-years-old, his mother and stepfather died in a fatal car accident. After witnessing their death, Mr. Molina struggled emotionally and explained how he often felt "angry" and "frustrated" growing up. He moved to Boston (at age 20) with his two children and their mother and, approximately 3 years later, moved to New Bedford, where the crime took place. Despite describing New Bedford as "rough," he said that he was doing "good" overall. When Board Members inquired as to why he was carrying a firearm prior to Mr. Gauoette's murder, Mr. Molina explained that a family member/friend encouraged the purchase after he had been victim to a robbery and carjacking. Mr. Molina admitted that it was a mistake, and out of character, because he was not "in the streets." Mr. Molina told Board Members that he kept the gun in the trunk of his car for "protection." Board Members noted Mr. Molina's poor decision-making skills, however, suggesting that he could have reported the robbery and carjacking to law enforcement, rather than purchase a firearm. In response, Mr. Molina said that he had developed a hostile mentality toward police officers, which continued up until the governing offense. He believed that anyone who called the police was labeled a "rat," so he did not seek their help at the time. Today, Mr. Molina views this way of thinking as "ignorant" and "immature." He understands that he handled his problem poorly, stating, "I was wrong and I'm doing my time."

Board Members inquired as to whether Mr. Molina knew, or had history with, Mr. Gauoette prior to the governing offense. Mr. Molina said that he had never met him prior to the murder, stating, "I was not from the neighborhood." When asked what led him to shoot a stranger, Mr. Molina told Board Members that he "lost it." Following the robbery and carjacking incident, Mr. Molina explained that he was paranoid and "in fear." When Mr. Gauoette pulled up to his friend's house in a car and yelled, "Don't move or I'll blast you," Mr. Molina believed that he was going to be "robbed or killed." This caused him to retrieve his firearm from his trunk and shoot Mr. Gauoette. When questioned, Mr. Molina said that he shot Mr. Gauoette about five times at approximately 8 to 10 feet away. When Board Members pointed to the fact that Mr. Gauoette was shot several times in the back, Mr. Molina responded that they were initially facing one another. At some point, Mr. Gauoette turned away, but Mr. Molina admitted that he continued shooting, fleeing the scene shortly thereafter. He also admitted to lying to police officers about

his name, and to changing his clothes after the crime, in an attempt to avoid responsibility. At the time, Mr. Molina believed that he could "beat the system."

The Board expressed concern with Mr. Molina's version of the facts, as his story does not coincide with the evidence that was presented at trial. Specifically, the Board noted that witness testimony does not account for Mr. Gaouette pulling up to the house in a car, as he was seen approaching the house on foot. The Board also inquired as to the significant amount of abrasions and lacerations on Mr. Gaouette's body that indicate he was also victim to an assault. Mr. Molina maintained that he never "touched" Mr. Gaouette. He reiterated that once Mr. Gaouette was shot, he approached his body, but fled shortly after "in fear." When asked if shots were fired at a closer range than what he previously stated, Mr. Molina answered in the negative, despite witness testimony stating otherwise. When confronted by these discrepancies, Mr. Molina offered little insight and, ultimately, reaffirmed his initial statements about the crime. Although they acknowledged that Mr. Molina took full responsibility for the murder, Board Members struggled to reconcile the significant amount of discrepancies within his version of the facts.

The Board noted Mr. Molina's positive institutional adjustment, having participated in an extensive amount of meaningful rehabilitative programming, while remaining disciplinary report free. Mr. Molina expressed gratitude to the Department of Correction for all the help he has received, stating that he has learned to be "a better person." The Alternatives to Violence Program ("AVP") had the greatest impact on him, as it provided him the motivation to continue his rehabilitative path throughout his incarceration. Mr. Molina stated that the programs gave him the tools to "open up," which he was unable to do in the past. Through his participation in Restorative Justice, Mr. Molina explained that he was able to gain insight on the impact of past traumas and how that negatively affected himself and others. Furthermore, Mr. Molina has been employed consistently throughout his incarceration and is on the waitlist to become OSHA certified.

The Board considered testimony in support of parole from Mr. Molina's children, sister-in-law, and nephew. The Board considered oral testimony in opposition to parole from Mr. Gaouette's grandmother, mother, niece, and sister. Bristol County Assistant District Attorney Dan Walsh also provided testimony in opposition to parole.

III. DECISION

Mr. Molina was 24-years-old when he shot and killed James Gaouette in March of 2005. He is serving his first commitment. Although he has made significant rehabilitative progress, the Board does not accept his version of the offense. It remains unclear as to why he executed a stranger. During this commitment, he has completed rehabilitative programming and has maintained a positive adjustment. In rendering their decision, the Board also considered Mr. Molina's minimal criminal history and support network. Mr. Molina is encouraged, through his participation in meaningful programs, to further explore the Board's concern as to his true motive in shooting Mr. Gaouette. In addition, he should remain program compliant and disciplinary report free.

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

Mr. Molina's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Molina to continue working toward 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.


Pamela Murphy, General Counsel

3/9/2021
Date