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*The Commonwealth of Massachusetts*  
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**PAROLE BOARD**

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Tina M. Hurley  
Chair

**RECORD OF DECISION**

**IN THE MATTER OF**

**ALEXIS GARCIA**

**W94538**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** November 29, 2022

**DATE OF DECISION:** January 19, 2023

**PARTICIPATING BOARD MEMBERS:** Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

**STATEMENT OF THE CASE:** On June 8, 2009, in Middlesex Superior Court, Mr. Garcia pleaded guilty to second-degree murder in the death of 43-year-old Timothy Stairs and was sentenced to life in prison with the possibility of parole.

Mr. Garcia appeared before the Parole Board for an initial hearing on November 29, 2022. He was represented by Attorney Melissa Allen-Celli. The entire video recording of Mr. Garcia's November 29, 2022, hearing is fully incorporated by reference to the Board's decision.

**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 vote that the inmate is not a suitable candidate for parole.

The Board is of the opinion that Alexis Garcia has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On January 11, 2008, 15-year-old Mr. Garcia stabbed 43-year-old Mr. Timothy Stairs to death. The Board recognizes Mr. Garcia was a juvenile at the time of the offense and considered the expert evaluation of Dr. Kinscherff. Mr. Garcia was exposed to criminal activity, violence, and drug use from a young age. The Board notes he has completed and is engaged in programming. The Board is concerned with his institutional adjustment which includes violence toward correctional officers and other inmates. The Board notes his adjustment is improving and encourages him to maintain a positive adjustment. Before his next hearing, the Board feels it is important for

him to obtain his GED and barber's certificate and pursue any vocational training. He should continue working on his addiction issue and develop a relapse prevention plan to present to the Board at his next hearing. He is encouraged to pursue counseling to gain insight into his trauma history. He should confirm and provide documentation of renunciation upon completion. The Board suggests he seek out further violence programming, like Anger Management, Alternatives to Violence, *et cetera*.

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 the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board in Mr. Garcia's case include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. In forming this opinion, the Board has taken into consideration Mr. Garcia'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. Garcia's risk of recidivism. After applying this standard to the circumstances of Mr. Garcia's case, the Board is of the unanimous opinion that Alexis Garcia is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Garcia's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages him 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.*

  
Pamela Murphy, General Counsel

1/19/23  
Date