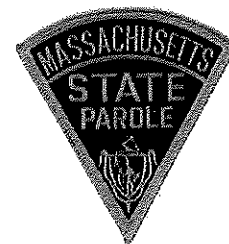




The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

FRANK MOTA
W89534

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **December 3, 2024**

DATE OF DECISION: **April 24, 2025**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted on/after 90 days in lower security to a Long-Term Residential Program.¹

PROCEDURAL HISTORY: On March 27, 2007, in Essex Superior Court, Frank Mota pleaded guilty to second-degree murder in the death of Ricardo Rosa and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Mota received a sentence of 1 year to 1 year and a day for unlawful possession of a firearm. Parole was denied after an initial hearing in 2019, and after a review hearing in 2022. On December 3, 2024, Frank Mota appeared before the Board for a review hearing. He was represented by Northeastern Prisoner's Rights Clinic student attorneys Alyssa Garcia and Talia Lanckton under the supervision of Attorney Patricia Garin. The Board's decision fully incorporates by reference the entire video recording of Frank Mota's December 3, 2024, hearing.

STATEMENT OF THE CASE: The case arises out of a relationship that Frank Mota had with his girlfriend for a period of at least three years in Lawrence. Their relationship was volatile, as they frequently broke up and got back together. A short time before January 2004, Mr. Mota (age 18) and his family moved across the street from his girlfriend's family. The outside of one residence could be seen by the other. Over the course of the three or four days preceding the murder, Mr. Mota called his girlfriend a number of times, asking to get back together. On

¹ Three Board Members voted to deny parole with a review in 1 year.

January 4, 2004, she spent the night at Mr. Mota's house. Sometime in the late morning, she went back to her house, where other family members resided.

Mr. Mota's girlfriend was home for a couple of hours when her girlfriend called from around the corner, asking to use her phone. The girlfriend was with her boyfriend, Ricardo Rosa, a person that Mr. Mota had never met. While walking to Mr. Mota's girlfriend's house, the couple passed Mr. Mota's house. Mr. Mota was outside as they walked by. Mr. Mota called his girlfriend soon after, upset that a man (Mr. Rosa) had gone into her house. Although Mr. Mota's girlfriend explained that Mr. Rosa was there with his own girlfriend, Mr. Mota didn't believe her. A short time later, Mr. Mota left his house with a gun and spoke with his girlfriend outside her bedroom window. Again, she told him that Mr. Rosa wasn't there to see her, but rather, he was there with her friend. At some point during this exchange, Mr. Rosa went outside. Mr. Mota's girlfriend called out, telling him that Mr. Mota had a gun. By the time she got to the front door, however, she could see (as did other witnesses) the two men wrestling, at which point a gunshot was heard. Mr. Rosa staggered, pushing Mr. Mota away. Mr. Rosa then stumbled back to Mr. Mota's girlfriend's house, collapsed on the living room floor, and lost consciousness. Mr. Rosa died from the gunshot wounds that he sustained.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).


DECISION OF THE BOARD: This was Mr. Mota's third appearance before the Board. Mr. Mota is 39-years-old and has been in custody for 21 years. Mr. Mota was 17-years-old at the time of the offense. Mr. Mota began to work on self-development early in his incarceration. He gained his GED in 2009, and continued to invest in rehabilitation. Since the last hearing, Mr. Mota completed ACCI programs that included Domestic Violence. He appears to have benefitted from these programs. Mr. Mota also completed Culinary Arts and American Sign Language. Mr. Mota established a release plan that will continue to meet his needs. The Board considered Mr. Mota's age at the time of the offense. The Board also considered public testimony in rendering its decision. The Board notes Mr. Mota provided letters of support and that a member of Casa Esperanza testified in support of parole. The Board also heard testimony from Essex County Assistant District Attorney Zachary Grube in opposition to parole. The Board concludes that Frank Mota has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Long-Term Residential Program - must complete; Waive work for program; Electronic Monitoring for 6 months; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report

to assigned MA Parole Office on day of release. No contact with victim(s)' family; Must have mental health counseling for adjustment, and Domestic Relations or Common Purpose/IAPEP.

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.


Tina M. Hurley, Chair


Date