

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 1, 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 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.

Mr. Mota appeared before the Parole Board for a review hearing on December 1, 2022. He was represented by student attorneys from Northeastern University School of Law. Mr. Mota was denied parole at his initial hearing in 2018. The entire video recording of Mr. Mota's December 1, 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.

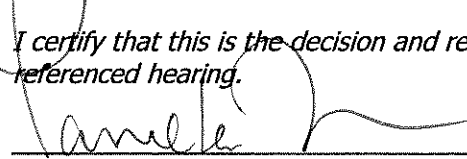
The Board is of the opinion that Frank Mota has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On January 5, 2004, 18-year-old Mr. Mota shot and killed 20-year-old Ricardo Rosa. Mr. Mota obtained his GED in 2009, has maintained employment in the institution, and has completed numerous rehabilitative programs. Of major concern to the Board is Mr. Mota's struggle with substance abuse. Mr. Mota

admitted to abusing alcohol and Percocet through 2021 and K2 through April 2022. He resumed AA/NA in October 2022. The Board needs to see that Mr. Mota seriously commits to his sobriety before he would be considered suitable for parole release. The Board encourages him to complete CRA, continue AA/NA, continue counseling, and develop a strong relapse prevention plan. Mr. Mota clearly struggles with multiple substances and must work to understand what the driving force is behind his addictive behavior. The Board encourages him to pursue vocational training to include Culinary Arts.

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

Mr. Mota's next appearance before the Board will take place in two 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