



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

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**Gloriann Moroney**  
*Chair*

**DECISION**

**IN THE MATTER OF**

**FRANK MOTA**

**W89534**

**TYPE OF HEARING:** **Initial Hearing**

**DATE OF HEARING:** **December 4, 2018**

**DATE OF DECISION:** **October 23, 2019**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe,<sup>1</sup> Paul Treseler

**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, the criminal record, the 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. Parole is denied with a review scheduled in four years from the date of the hearing.<sup>2</sup>

**I. STATEMENT OF THE CASE**

On March 27, 2007, in Essex Superior Court, Frank Mota pleaded guilty to the second degree murder of Ricardo Rosa. He 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 possession of a firearm without a permit.

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

<sup>1</sup> Board Member Soto-Abbe was no longer a Board Member at time of vote.

<sup>2</sup> One Board Member voted to deny parole with a review in 3 years.

his girlfriend a number of times, asking to get back together. On 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. In the course of 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 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 as a result of the gunshot wounds he sustained.

## **II. PAROLE HEARING ON DECEMBER 4, 2018**

Mr. Mota, now 33-years old, appeared before the Parole Board for an initial hearing on December 4, 2018. He was not represented by counsel. In his opening statement to the Board, Mr. Mota acknowledged his role in the murder of Ricardo Rosa and expressed his remorse for the pain he caused to family, friends, and the community.

In discussing the governing offense, Mr. Mota did not dispute the facts of the case. He acknowledged that he was consumed with unresolved anger and that he lacked empathy. Mr. Mota explained that at age 15, he conformed to the code of the streets. He had little to no respect for life or property and would have done anything to impress his new family, a Security Threat Group. He also acknowledged that he often carried knives and bats. He described himself as possessive and controlling during his relationship with his girlfriend; citing infidelity as a contributing factor in the incidences of domestic violence. At age 18, his turbulent relationship with her ended. Mr. Mota claimed that his intention was never to murder Mr. Rosa; rather, he had gone over to his girlfriend's residence to tell her that he did not want Mr. Rosa in her apartment. When confronted by Mr. Rosa, however, a brief altercation ensued. Mr. Mota pulled out his firearm and shot him in the chest.

Mr. Mota is currently incarcerated at MCI-Norfolk, where he works as a block runner. He has participated in several programs, including, but not limited to, Restorative Justice, Alternatives to Violence, Serv Safe, and Cognitive Skills. He attends Correctional Recovery Academy (CRA), general maintenance programming, and Muslim services on a weekly basis. During the hearing, Mr. Mota discussed how his participation in the Restorative Justice program provided him with insight as to how an offender's behavior impacts the victim's family. Mr. Mota has incurred approximately fourteen disciplinary infractions during his incarceration; the most egregious were for possession of a weapon; possession of security threat group paraphernalia; and fighting.

Mr. Mota had several supporters in attendance at his hearing. The Board considered testimony from his brother, cousin, and girlfriend, all of whom expressed their support of parole. Essex County Assistant District Attorney Elin Graydon spoke in opposition to parole and submitted a letter, as well.

### **III. DECISION**

Mr. Mota has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He has yet to demonstrate that he has fully availed himself of rehabilitative programming and treatment. He needs to further address his causative factors and maintain a positive adjustment.

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 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 four years from the date of this hearing. During the interim, the Board encourages Mr. Mota 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. 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

10/23/2019  
Date