



*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*

**Daniel Bennett**  
*Secretary*

*Telephone # (508) 650-4500*  
*Facsimile # (508) 650-4599*

**Paul M. Treseler**  
*Chairman*

**Michael J. Callahan**  
*Executive Director*

**DECISION**

**IN THE MATTER OF**

**GABRIEL MERCADO**

**W69614**

**TYPE OF HEARING:** **Review Hearing / Resolve Action Pending**

**DATE OF HEARING:** **July 14, 2015**

**DATE OF DECISION:** **April 4, 2016**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

**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. Parole is denied with a review in one year from the date of the hearing.

**I. STATEMENT OF THE CASE**

On September 13, 1998, 16-year-old Gregory Suttles was shot to death by 22-year-old Gabriel Mercado. On June 14, 2001, Gabriel Mercado pled guilty to murder in the second degree in Suffolk Superior Court. He also received a concurrent sentence of three to five years for possession of a firearm.

The shooting death was precipitated by an incident in which Mr. Mercado's brother, David Mercado, was beaten and had his ring stolen. At the time, Gregory Suttles was visiting his cousin and was among a group of people who had decided to beat the next individual who passed by (David Mercado). After David Mercado had been beaten, he ran to his older brother, Gabriel Mercado, and reported what had happened to him. Gabriel Mercado, who had recently purchased a gun, went to retaliate. David Mercado identified Mr. Suttles as being among those



who had beaten and robbed him. Gabriel Mercado, with a loaded .38 caliber handgun in his possession, confronted Mr. Suttles and a group of other young men. No one would confess to the incident, so Gabriel Mercado (who, at this point, had targeted Mr. Suttles) began to shoot at him. He chased Mr. Suttles into the home he was visiting, while firing his gun. Gabriel Mercado fired several shots, hitting Mr. Suttles twice in the back inside the house. It was later learned that Mr. Suttles was present, but did not participate, in the beating or robbing of David Mercado.

After the shooting, Gabriel Mercado fled the area with his brother and his cousin Angel Santiago, who was also present. Mr. Suttles was taken by an ambulance to Boston Medical Center, where he was pronounced dead at approximately 2:10 a.m. on September 13, 1998. Mr. Mercado's license plate number was taken down by an eye witness, as he fled the area. This information led police to Gabriel Mercado's address in Dorchester. Mr. Mercado gave a statement to police in which he admitted shooting Mr. Suttles. He assisted Boston police by taking them into his house and showing them the gun that he had used to kill Gregory Suttles.

## **II. PAROLE HEARING ON JULY 14, 2015**

Gabriel Mercado, now 39-years-old, appeared before the Massachusetts Parole Board for the second time for a review hearing. He was denied parole in 2013 and has been incarcerated at MCI Norfolk since 2010. Mr. Mercado did not have legal representation at this hearing.

In his opening remarks, Mr. Mercado began by apologizing to the Suttles family. He acknowledged that it was a "senseless killing" that "robbed Gregory Suttles of his future." He informed the Board that he accepts responsibility for his actions and deeply regrets the pain and suffering he has caused to the Suttles family. Regarding the murder of Mr. Suttles, Mr. Mercado testified that he was carrying a firearm that he had purchased for protection two days before. He stated that he had a prior confrontation with an ex-girlfriend's boyfriend, and he believed that the individual was a "troublemaker" and was "going to come after me." Mr. Mercado testified that, although Mr. Suttles lived with his cousin, he did not know him. Mr. Mercado questioned a group of young men who had assaulted and robbed his younger brother, but no one would confess. At some point, he targeted Mr. Suttles. He testified that he fired the gun once in his direction and missed. He said that he then chased him into a building and shot him twice in the back.

Mr. Mercado expressed remorse for his actions 17 years ago. After the shooting, he said that he rationalized his behavior by claiming that he was protecting his family. Today, he said that "there is no excuse for my behavior." Mr. Mercado described himself as an "ignorant coward who thought he was always right" at the time of the murder. During the hearing, Mr. Mercado acknowledged that there were many things he could have done to avoid the confrontation.

When asked about rehabilitation, Mr. Mercado stated that shortly after his incarceration, he immersed himself in treatment and program opportunities to become a better person. Since his 2013 hearing, Mr. Mercado completed 13 programs designed to facilitate his reintegration into the community, including programs that address anger and violence. He told the Board that the most meaningful programs for him were Alternatives to Violence, Restorative Justice, and Cognitive Skills. He also informed the Board that his most rewarding accomplishment has



been helping people in the Spanish community "search for positives." In addition, Mr. Mercado has been employed in the Massachusetts Correctional Industries Maintenance Shop since 2010. Mr. Mercado denied having a drug or alcohol problem.

Mr. Mercado has maintained an overall positive record within the correctional system. He has accrued several disciplinary reports, the last of which was issued in 2009. The disciplinary reports are considered minor in nature, with the exception of a fight and disruptive conduct in 2006, which resulted in special management placements. Mr. Mercado told the Board that he has struggled with depression for much of his life. While incarcerated, he attempted suicide on several occasions. He said that he has been prescribed medication in the past, but is now able to manage his depression without drugs. When a Board Member asked him about his health, he said that he suffers from epilepsy. He discussed an incident in July 2014, where he was suddenly not able to walk. He said he was sent to Bridgewater State Hospital, where he was diagnosed with a psychogenic movement disorder.

Mr. Mercado identified his parole plan as a desire to step down to lower security followed by a program, such as St. Francis House. He feels that such a program will provide him with structure and assist him in finding work. Mr. Mercado testified that he also hopes to work with youth and help deter them from criminal lifestyles. Mr. Mercado said that he gets visits from his mother, brother, and cousin. Mr. Mercado's brother spoke in support of parole and expressed his family's willingness to provide him with the necessary supports to successfully reenter the community.

Three members of Mr. Suttles' family spoke in opposition to parole. Assistant District Attorney Charles Bartoloni of Suffolk County also spoke in opposition to parole.

Mr. Mercado concluded the hearing by thanking the Board for the opportunity to be heard and by apologizing to the victim's family.

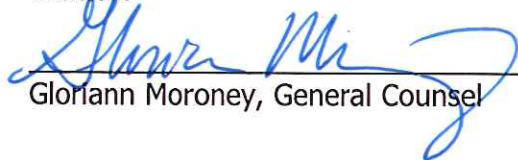
### **III. DECISION**

The Board is of the opinion that Mr. Mercado has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Mercado's rehabilitation. The Board set a review date of one year, during which time the Board will request additional information concerning Mr. Mercado's current mental health status and reentry needs via the Department of Mental Health. In addition, the Board will refer counsel to Mr. Mercado for his next review.

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. Mercado's educational and treatment programs during his period of incarceration. The Board has also considered whether risk reduction programs could effectively minimize Mr. Mercado's risk of recidivism. After applying this standard to the circumstances of Mr. Mercado's case, the Board is of the unanimous opinion that without additional information pertaining to his

mental health, and without additional treatment, he does not meet the legal standard at this time.

*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.*

  
Glorann Moroney, General Counsel

  
Date