

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



PAROLE BOARD

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Executive Director

DECISION

IN THE MATTER OF

GINO GAILLARDETZ

W42848

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 19, 2021

DATE OF DECISION: August 25, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

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 scheduled in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On October 8, 1986, in Barnstable Superior Court, Gino Gaillardetz pleaded guilty to second-degree murder in the stabbing death of 43-year-old Francis Gray and was sentenced to life in prison with the possibility of parole. The life sentence was ordered to run consecutively to a 40 - 60 year sentence imposed that same day for the armed robbery of Mr. Gray. The life sentence was later revised to run concurrent with the 40 - 60 year sentence.

Gino Gaillardetz was drinking and using cocaine on the night of April 14, 1986, while on parole supervision from a prior sentence. He met Francis Gray and planned to rob him. Displaying a knife, Mr. Gaillardetz demanded Mr. Gray's money. After Mr. Gaillardetz took the

¹ Two Board Members voted to deny parole with a review in three years from the date of the hearing.

wallet, Mr. Gray grabbed him. Mr. Gaillardetz then stabbed Mr. Gray once in the chest. Mr. Gray fell to the ground, and Mr. Gaillardetz proceeded to stab him two more times in the chest, killing him. Mr. Gaillardetz fled, but he was arrested the next day.

II. PAROLE HEARING ON OCTOBER 19, 2021²

Gino Gaillardetz, now 58-years-old, appeared before the Parole Board for his review hearing on October 19, 2021, following his most recent parole revocation on March 25, 2021. He was represented by Attorney Joseph Comenzo. Mr. Gaillardetz had been granted parole at his initial hearing in 2009 (which was revoked in 2010) and, again, after a review hearing in 2011. Mr. Gaillardetz was returned to custody on December 22, 2020, for significant parole violations and a stand-off with law enforcement.

Upon Board Member questioning, discrepancies arose during the hearing regarding the motive for the governing offense. Mr. Gaillardetz alleged that unwanted sexual advancements from Mr. Gray, as well as his own heightened sense of paranoia (due to being under the influence of cocaine and alcohol), led to an altercation. The Board also discussed Mr. Gaillardetz's history of parole failures. Mr. Gaillardetz cited a series of mistakes, resulting from his difficult adjustment to society, as the cause of his most recent return to incarceration. Board Members questioned Mr. Gaillardetz's decisions to possess a replica firearm, as well as his involvement with certain individuals who posed association issues. Board Members noted the drugs found in his possession and, most notably, the need for the SWAT team to bring him back to prison. Mr. Gaillardetz explained to the Board that, after "being in jail 28 years, you can't let someone in." He further shared that his loneliness and mental health struggles are issues that he continues to work on. Diagnosed with PTSD and depression, Mr. Gaillardetz is currently receiving mental health medication and counseling.

The Board noted that Mr. Gaillardetz has incurred approximately 64 disciplinary reports, three returns to higher security, and one disciplinary segregation unit placement. He has had four commitments to Bridgewater State Hospital related to suicide attempts, while incarcerated. Mr. Gaillardetz participated in programs to include Alternatives to Violence, AA, and Lifers Groups. He also obtained his GED and vocational certificates. However, Mr. Gaillardetz states that his opportunities to engage in programming, since his return to custody, have been "limited."

The Board considered the testimony of Mr. Gaillardetz's friends in support of parole. The Board also considered letters in opposition to parole from Mr. Gray's family. The Cape and Islands District Attorney's Office provided a letter in opposition to parole.

III. DECISION

The Board is of the opinion that Gino Gaillardetz has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Gaillardetz was returned to custody on December 22, 2020, for significant parole violations and a stand-off with law enforcement. His behavior led to a serious, high risk to public safety. Since his return to custody, he had a serious suicide attempt requiring both medical and psychiatric treatment. The Board considered evaluations conducted by Dr. Cookman and Dr. Herzog. Mr. Gaillardetz was released from Bridgewater State Hospital only weeks before the

² The entire video recording of Mr. Gaillardetz's October 19, 2021 hearing is fully incorporated by reference to the Board's decision.


hearing. The Board is concerned with his mental health and recommends continued engagement in treatment and a longer period of stability.

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. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Gaillardetz's risk of recidivism. The Board considered Mr. Gaillardetz's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. After applying this standard to the circumstances of Mr. Gaillardetz's case, the Board is of the opinion that Gino Gaillardetz is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Gaillardetz's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Gaillardetz 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


Date