

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JUSTIN GAOUCETTE

W83131

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 14, 2019

DATE OF DECISION: March 26, 2020

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

STATEMENT OF THE CASE: On February 6, 2004, in Bristol Superior Court, Justin Gaouette was found guilty by a jury of second-degree murder in the shooting death of 27-year-old David Silva. He received a life sentence with the possibility of parole. On that same date, he was sentenced to 8-12 years for armed assault with intent to murder, 4-5 years for assault and battery with a dangerous weapon, 4-5 years for unlawful possession of a firearm, and 4-5 years for receiving stolen property, all to run concurrently. In addition, a charge of unlawful possession of ammunition without an ID card was filed.

Mr. Gaouette, now 36-years-old, appeared before the Parole Board for a review hearing on November 14, 2019 and was represented by law students Stephanie Horwitz and Brooke Adams from the Harvard Prison Legal Assistance Project. This was Mr. Gaouette's second appearance before the Board having been denied parole in 2017. The entire video recording of Mr. Gaouette's November 14, 2019 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 decision that the inmate is a suitable candidate for parole.¹ Reserve to Long Term Residential

¹ Five board members voted to parole Mr. Gaouette after 12 months in lower security and two board members voted to parole Mr. Gaouette after 18 months in lower security.

Program or CRJ -TH (transitional housing), but not before completion of 12 months in lower security and completion of Restorative Justice. Mr. Gaouette has served approximately seventeen years for the murder of David Silva. He has engaged in numerous programs to address his causative factors. It is the opinion of the Board that he has demonstrated sufficient progress in his rehabilitation that would not make his release incompatible with the welfare of society.

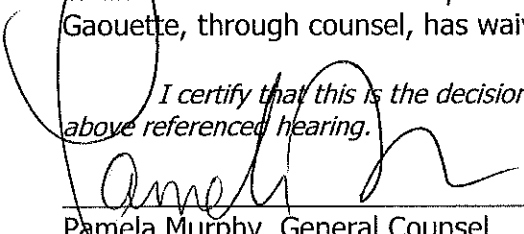
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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. Gaouette'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. Gaouette's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Gaouette's case, the Board is of the unanimous opinion that Mr. Gaouette is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program or a CRJ-TH for a minimum of six months after 12 months in lower security; Waive work for Long Term Residential Program or 2 weeks; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; 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/transition; Must attend AA/NA at least 3 times per week.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Gaouette, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel



Date