



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: **July 2, 2024**

DATE OF DECISION: **December 3, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin,¹ Tina M. Hurley, James Kelcourse, Rafael Ortiz²

VOTE: Parole is denied with a review in one year from the date of the hearing. Mr. Gaouette may put in for reconsideration if recommendations have been met prior to one year.

PROCEDURAL HISTORY: On February 6, 2004, following a jury trial 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 was sentenced to life in prison 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.

Parole was denied following an initial hearing in 2017. After a review hearing in 2019, parole was granted to a Long-Term Residential Program (LTRP) or Community Resources for Justice (CRJ) - Transitional Housing, but not before completion of 12 months in lower security and completion of Restorative Justice. Mr. Gaouette was released to parole supervision on March 24, 2021, but his parole was revoked in January 2024.

¹ Board Member Coughlin was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to participating in the vote.

² Board Member Ortiz was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to participating in the vote.

On July 2, 2024, 41-year-old Justin Gaouette appeared before the Board for a review hearing. He was not represented by an attorney. The Board's decision fully incorporates by reference the entire video recording of Justin Gaouette's July 2, 2024, hearing.

STATEMENT OF THE CASE: In the fall of 2002, Matthew Silva borrowed \$20 from 19-year-old Justin Gaouette and, in exchange, promised to help install a radio in Mr. Gaouette's vehicle. In November 2002, Mr. Gaouette's vehicle was involved in an accident, and he no longer wanted the stereo. He wanted his money back instead. Matthew Silva did not repay the debt, which incited hostilities between the two men. Between Thanksgiving and Christmas 2002, Mr. Gaouette acquired a handgun. The conflict between the two men continued. It escalated on New Year's Eve, when Mr. Gaouette threatened to fight Matthew Silva upon realizing that the latter did not intend to repay the debt. After a near-fight the day before, tensions continued to mount on New Year's Day 2003, when a conversation between the men's girlfriends about the previous day devolved. Mr. Gaouette made a series of threats to fight Matthew Silva, which were relayed both through his girlfriend and directly to him.

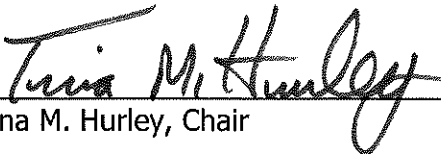
Mr. Gaouette retrieved a .38 caliber revolver that he had recently purchased and loaded it with six bullets. He and his girlfriend drove to confront Matthew Silva. Present with Matthew Silva were his two brothers, namely David Silva, and a group of their friends. Matthew Silva had gone into the house just prior to Mr. Gaouette's arrival. He emerged and moved quickly towards Mr. Gaouette's vehicle with a baseball bat, ultimately smashing the window with it. Mr. Gaouette retrieved his firearm and fired three shots, one of which struck Matthew Silva in the elbow and another which struck David Silva. David Silva collapsed on the sidewalk and was pronounced dead at the hospital. After firing the gun, Mr. Gaouette drove away. He was later pulled over by the police, whereafter he made statements of admission.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the 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 and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: Justin Gaouette was before the Board for a review hearing after being RTC (returned to custody) for numerous parole violations. Mr. Gaouette was released on parole to CRJ on March 24, 2021. He completed CRJ and held several jobs. Mr. Gaouette had some minor adjustment issues, but appeared to decompensate after entering into an unhealthy relationship. His then girlfriend quickly became pregnant. Mr. Gaouette was forthcoming in his hearing, acknowledged that he was engaged in reckless behavior, domestic violence, and was emotionally overwhelmed. Mr. Gaouette also acknowledged that he was not utilizing his counseling and was not open and honest with parole. The Board expressed concern regarding his escalating behavior and his impulsivity and behavioral dysregulation. The Board is

recommending that Mr. Gaouette request mental health services and programming to address healthy relationships, conflict resolution, and anger management. The Board is referring Mr. Gaouette to For Health Consulting for an evaluation to determine if he is in need of more intensive or specific mental health services.

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.



Tina M. Hurley, Chair



Date