



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



PAROLE BOARD

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IN THE MATTER OF

MANUEL ALARCON

W55764

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 7, 2018

DATE OF DECISION: April 19, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 the 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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On January 18, 1994, in Middlesex Superior Court, Manuel Alarcon pleaded guilty to the second-degree murder of 32-year-old Bechara Alam and was sentenced to life in prison with the possibility of parole. On that same date, he also pleaded guilty to armed robbery and possession of a firearm. He received a sentence of 15 to 20 years and 3 to 5 years, respectively, for these convictions. These sentence were ordered to be served concurrent with the life sentence. On July 28, 2006, in Norfolk Superior Court, Mr. Alarcon was sentenced to one year and one year and one day for possession to distribute a Class A substance. This sentence was ordered to be served from and after the life sentence. On September 3, 2008, in Norfolk Superior Court, Mr. Alarcon was convicted of possession of a Class A substance (subsequent offense) and was sentenced to a term of 3 to 4 years concurrent with his 2006 from and after sentence.

¹ One Board Member voted to deny parole with a review scheduled in three years.

On March 24, 1993, Manuel Alarcon, age 18, went to a Lowell gas station, armed with a .22 caliber gun and with the intent to rob the storekeeper, Bechara Alam. Mr. Alarcon demanded money from Mr. Alam. When he did not comply right away, Mr. Alarcon drew the gun and pointed it at Mr. Alam, who pulled out a baseball bat to defend himself. A struggle ensued. During the struggle, Mr. Alarcon shot Mr. Alam in the chest. Mr. Alam fell to the floor and pleaded with Mr. Alarcon to call his brother for help and not let him die. Mr. Alarcon did not call for help. Instead, he fled the scene on foot and attempted to leave the state by stealing a car. Mr. Alarcon was not caught until almost three months later when an eyewitness came forward with information. Mr. Alarcon was interviewed at the Middleton House of Correction, where he was being held for an unrelated matter. After giving investigators three different versions of how the murder occurred, and his involvement, Mr. Alarcon finally made a written confession to the armed robbery and murder of Mr. Alam.

II. PAROLE HEARING ON AUGUST 7, 2018

On August 7, 2018, Manuel Alarcon, now 44-years-old, appeared before the Parole Board for his review hearing. He was not represented by counsel. Parole was denied after both his initial parole hearing in 2008 and his review hearing in 2013. In his opening statement to the Board, Mr. Alarcon said that he was remorseful for his crime. He apologized to the victim's family, stating that he knows he caused them a great deal of pain. The Board noted that Mr. Alarcon had experienced childhood trauma, having been assaulted in a juvenile detention facility. He also moved from Texas to Massachusetts, as a teen, with a mother who had significant medical problems. When the Board asked Mr. Alarcon to describe himself around the time of the murder, he said that he was 18-years-old and "a dumb kid." Mr. Alarcon admitted to stealing cars, and selling them for parts, in order to pay his mother's medical bills.

When Board Members questioned him about the murder, Mr. Alarcon said that he got into trouble when he borrowed money from a loan shark and couldn't pay him back. He had convinced Mr. Alam to borrow money from the same loan shark, and Mr. Alam owed money, as well. Mr. Alarcon said that the loan shark drove him to Mr. Alam's gas station, handed him a gun, and told him to go inside and collect the interest due on money that Mr. Alam had borrowed. Mr. Alarcon described how he and Mr. Alam argued over the money, which quickly escalated into a fist fight. When Mr. Alarcon pulled out a gun, Mr. Alam tried to grab it. Mr. Alarcon told the Board that he shot Mr. Alam in the chest, after Mr. Alam grabbed a baseball bat to fend him off.

The Board discussed Mr. Alarcon's institutional record, noting that he received 22 disciplinary reports since his last hearing. Mr. Alarcon explained that the majority of his disciplinary reports were for violating the substance abuse policy and for having tattoo paraphernalia. He admitted that he had been addicted to heroin and Suboxone, and that he had been giving tattoos to support his addiction. Mr. Alarcon told the Board how he woke up one morning and decided that he was tired of the way he was living. He resolved to stay off drugs and alcohol and began attending weekly AA meetings and monthly mental health counseling sessions. Mr. Alarcon reported that has been clean and sober for 2½ years and has not had any disciplinary reports since then. Mr. Alarcon said that he is on the waiting list for Correctional Recovery Academy and the Service Dog Training program, and that he completed Alternatives to Violence and earned his G.E.D. Mr. Alarcon said that he stepped down to MCI-Shirley six months ago, where he has been working in the kitchen.

Mr. Alarcon asked the Board for a shorter review date, recognizing that he would be paroled to his from and after sentence. Ultimately, Mr. Alarcon would like to be released to a long term residential treatment program. Mr. Alarcon expressed that he would prefer to remain in Massachusetts and work as a tattoo artist, if released. He reported that he is close with a brother who lives in Texas and is also in contact with his father and another brother.

Middlesex Assistant District Attorney Doug Cannon testified in opposition to parole and submitted a letter of opposition.


III. DECISION


The Board is of the opinion that Mr. Alarcon has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Alarcon should complete the Correctional Recovery Academy (CRA) to further address his causative factors and continue to participate in the renunciation process.

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. Alarcon'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. Alarcon's risk of recidivism. After applying this standard to the circumstances of Mr. Alarcon's case, the Board is of the opinion that Manuel Alarcon is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Alarcon'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. Alarcon 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.


Shara Benedetti, Acting General Counsel


Date