

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

**MANUEL ALARCON
W55764**

TYPE OF HEARING: Review Hearing
DATE OF HEARING: August 4, 2020
DATE OF DECISION: September 21, 2021

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

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 and received a sentence of 15 to 20 years and 3 to 5 years, respectively. These sentences 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.

On March 24, 1993, Manuel Alarcon (age 18) entered a Lowell gas station, armed with a .22 caliber gun and intent on robbing the storekeeper, Bechara Alam. When Mr. Alam did not

comply right away with his demands, Mr. Alarcon drew the gun and pointed it at Mr. Alam, who then pulled out a baseball bat to defend himself. A struggle ensued, and Mr. Alarcon shot Mr. Alam in the chest. He fell to the floor, pleading with Mr. Alarcon to call his brother for help so he wouldn't die. Instead, Mr. Alarcon fled the scene on foot and attempted to leave the state by stealing a car. He 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 how he was involved, Mr. Alarcon finally made a written confession to both the armed robbery and the murder of Mr. Alam.

II. PAROLE HEARING ON AUGUST 4, 2020

Manuel Alarcon, now 47-years-old, appeared before the Parole Board for a review hearing on August 4, 2020. He was not represented by counsel. Mr. Alarcon was denied parole after his initial hearing in 2008, and after his review hearings in 2013 and 2018. In his opening statement to the Board, Mr. Alarcon apologized to Mr. Alam's family and expressed remorse for his crime, stating that he was "deeply sorry for destroying a man's life." Mr. Alarcon also acknowledged his poor institutional adjustment in the past. He outlined how he has since improved, noting his commitment to rehabilitative programming, sobriety, and gang renunciation.

When Board Members inquired as to the details surrounding the governing offense, Mr. Alarcon explained that he was "struggling emotionally" due to his mother's health problems. As such, he engaged in criminal activity at a young age to support his family. When asked about his relationship with Mr. Alam, Mr. Alarcon explained that they had formed a friendship because he had often used Mr. Alam's store as a "spotter location" for stolen cars. On the day of the crime, Mr. Alarcon claimed that he did not intend to murder Mr. Alam. Rather, he went to Mr. Alam's store at the instruction of a loan shark to collect a debt. When questioned as to why he brought a loaded firearm, Mr. Alarcon told Board Members that the gun was not his, and that he only intended on using it to scare Mr. Alam. However, a physical altercation ensued and "things got out of hand," so he shot Mr. Alam. Mr. Alarcon admitted that once he pulled the trigger, he fled, despite Mr. Alam's request that he (Mr. Alarcon) call a family member for help. Mr. Alarcon expressed regret for leaving Mr. Alam alone, stating that he was not thinking clearly at the time of the murder.

At the onset of his incarceration, Mr. Alarcon admitted that he "took the wrong path," resulting in a poor institutional adjustment. He experienced suicidal thoughts on several occasions, mainly due to the guilt he felt for Mr. Alam's murder, as well as his mother's death. Consequently, Mr. Alarcon's substance abuse issues stemmed from his guilt, as well. When Board Members inquired about his addiction, Mr. Alarcon said that he used heroin several years into his incarceration, "off and on," and became addicted in 2001. Upon further questioning, Mr. Alarcon told Board Members that the drugs "comforted him" and "killed his guilt." He had no regard for his life, or anyone else, because he was "consumed by the drugs." Mr. Alarcon noted that he last used approximately five years ago. When asked how he manages to remain sober, Mr. Alarcon explained that "it's not easy," but he has been helped by talking to others who understand his struggles. When questioned as to his gang affiliation, Mr. Alarcon stated that he was trying to "fill a void" at the time of his recruitment. However, shortly after joining, he realized that the members were only "using [him] as a pawn." As such, he has attempted renunciation several times throughout his incarceration and, while he has yet to complete the process, Mr. Alarcon

told the Board that he does not engage in any gang-related activity. According to the Department of Correction, Mr. Alarcon is currently "disassociating," and the process will be completed later this year.

The Board noted that Mr. Alarcon has remained disciplinary report free since 2016. They also acknowledged his programming efforts, noting a difference since his initial hearing in 2013. Mr. Alarcon shared that he completed all phases of the Alternative to Violence Program ("AVP") and is now a trainer for facilitators. He also participated in Anger Management, Art Therapy, Violence Reduction, and attends monthly mental health counseling. Mr. Alarcon told the Board that he consistently participates in substance abuse programs, such as Narcotics Anonymous ("NA"). Mr. Alarcon stated that he has been consistently employed throughout his incarceration and is currently working in the culinary arts kitchen. Mr. Alarcon is currently on the waitlist for Correctional Recovery Academy ("CRA").

The Board considered testimony in support of parole from Mr. Alarcon's daughter. The Board considered testimony in opposition to parole from Middlesex County Assistant District Attorney Doug Cannon. Middlesex County Assistant District Attorney Adrienne Lynch submitted a letter of opposition.

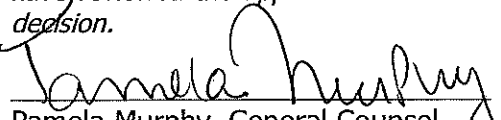
III. DECISION

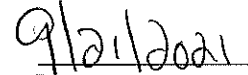
Mr. Alarcon has served 27 years for the murder of Bechara Alam. Mr. Alarcon is encouraged to accept the recommendations outlined in the 2019 Record of Decision. Mr. Alarcon should complete the Correctional Recovery Academy and complete the renunciation process. The Board did recognize that he has maintained a positive adjustment and has made some strides in his rehabilitative progress. Release remains incompatible with the welfare of society until he fully addresses his causative factors. In rendering their decision, the Board did take into consideration COVID-19 and his underlying health issues.

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 unanimous opinion that Manuel Alarcon is not 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 toward 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