



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

GABRIEL MERCADO

W69614

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 28, 2017

DATE OF DECISION: August 27, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 a suitable candidate for parole. Parole is granted to a long term residential program with special conditions, after 12 months in lower security.¹

I. STATEMENT OF THE CASE

On June 14, 2001, in Suffolk Superior Court, Gabriel Mercado pleaded guilty to the second degree murder of Gregory Suttles. He was sentenced to serve life in prison with the possibility of parole. He also received a concurrent sentence of 3 to 5 years for possession of a firearm.

On September 13, 1998, 16-year-old Gregory Suttles was shot to death by 22-year-old Gabriel Mercado. The shooting death was precipitated by an incident in which Gabriel Mercado's brother, David Mercado, was beaten and had his ring stolen. At the time, Gregory Suttles was visiting his cousin and was among a group of people who had decided to beat the

¹ Four Board Members voted to reserve parole to a long-term residential program upon completion of 12 months in lower security. Two Board Members voted to deny parole and schedule a review hearing in two years.

next individual who passed by (David Mercado). After David Mercado had been beaten, he ran to his older brother, Gabriel Mercado, and reported what had happened to him. Gabriel Mercado, who had recently purchased a gun, went to retaliate. David Mercado identified Mr. Suttles as being among those who had beaten and robbed him. Gabriel Mercado, with a loaded .38 caliber handgun in his possession, confronted Mr. Suttles and a group of other young men. No one would confess to the incident, so Gabriel Mercado (who, at this point, had targeted Mr. Suttles) began to shoot at him. He chased Mr. Suttles into the home he was visiting, while firing his gun. Gabriel Mercado fired several shots, hitting Mr. Suttles twice in the back inside the house. It was later learned that Mr. Suttles was present, but did not participate, in the beating or robbing of David Mercado.

After the shooting, Gabriel Mercado fled the area with his brother and his cousin, who was also present. Mr. Suttles was taken by ambulance to Boston Medical Center, where he was pronounced dead at approximately 2:10 a.m. on September 13, 1998. Mr. Mercado's license plate number was taken down by an eye witness, as he fled the area. This information led police to Gabriel Mercado's address in Dorchester. Gabriel Mercado gave a statement to police in which he admitted shooting Mr. Suttles. He assisted Boston police by taking them into his house and showing them the gun he used to kill Gregory Suttles.

II. PAROLE HEARING ON SEPTEMBER 28, 2017

Gabriel Mercado, now 42-years-old, appeared before the Parole Board for a review hearing on September 28, 2017, and was represented by Attorney Frank H. Spillane. Mr. Mercado was denied parole after his initial hearing in 2013, as well as after his review hearings in 2015 and 2016. In his opening statement to the Board, Mr. Mercado apologized to the friends and family of Mr. Suttles and expressed his remorse for the murder. Mr. Mercado indicated that during his incarceration, he "has sought to understand what [he] did and to change the person [he] was."

The Board noted its previous concerns with Mr. Mercado's history of relationships and how he dealt with stress and rejection. Specifically, the Board expressed concern with the fact that Mr. Mercado had first obtained the gun (used in the murder of Mr. Suttles) to protect himself against the boyfriend of his ex-girlfriend, following a domestic dispute. Mr. Mercado indicated that when he was younger, he was "selfish," "ignorant," and only thought about himself. He stated that "[he] is not that person anymore." Mr. Mercado indicated that he did not know how to cope with stressful situations, which led him to purchase the gun. He indicated that it began by his actions. He was "not being truthful with [his] girlfriend" and was "being unfaithful." Mr. Mercado expressed shame and remorse for his actions towards women and said that he "should have been more appreciative towards [them]." Mr. Mercado indicated that he has been in contact with prior girlfriends, so that he could express his apologies for his past behavior.

Since his last hearing, Mr. Mercado has continued to participate in rehabilitative programming. He has also completed additional programming, such as the Alternatives to Violence International Workshop ("AVP"). Mr. Mercado indicated that in the past year, he has gained more insight and tries "to get better every single day." Mr. Mercado said that he utilizes the skills he learned through programming, so that he can find solutions to conflict. Mr. Mercado has also acquired employment skills, as he obtained his HVAC license and his auto mechanics and welding certificates. The Board noted that Mr. Mercado has strong family support. Mr. Mercado acknowledged that some of his biggest challenges, if paroled, would be mental health treatment, housing, and employment. The Board discussed Mr. Mercado's

mental health issues, including his history of depression, his 2014 diagnosis of psychogenic movement disorder, and the 2016 forensic evaluation conducted by Dr. Frank DiCataldo.

Mr. Mercado had many supporters in attendance. The Board considered the oral testimony of Mr. Mercado's brother, who expressed his support for parole. The Board considered a letter from Suffolk County Assistant District Attorney Charles Bartoloni in opposition to parole.

III. DECISION

The Board is of the opinion that Gabriel Mercado has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. Mr. Mercado has availed himself of relevant programming to address his causative factors, including mental health. Mr. Mercado is to remain program compliant and disciplinary report-free.

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. Mercado's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Mercado's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Mercado's case, the Board is of the unanimous opinion that Gabriel Mercado merits parole at this time. Parole is granted to a long term residential program with special conditions, after 12 months in lower security.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program (LTRP); Must be at home between 10 p.m. and 6 a.m.; Electronic monitoring GPS; Must take prescribed medication; 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 substance abuse evaluation and adhere to plan; Must have mental health counseling for depression; Long term residential treatment program for dual diagnosis of mental health and substance abuse.

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.


Gloriann Moroney, General Counsel

8/27/18
Date