



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

MANUEL ALARCON

W55764

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 6, 2013

DATE OF DECISION: March 3, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF FACTS

Manuel Alarcon appeared before the Massachusetts Parole Board on August 6, 2013 for a review hearing. Alarcon was denied parole following an initial hearing in 2008. Alarcon is serving a life sentence for the second degree murder of Bechara Alam, age 32.

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. Alarcon demanded money from the victim, Alam. When he did not comply right away, Alarcon drew the gun and pointed it at Alam, who pulled out a baseball bat to defend himself. A struggle ensued. During the struggle, Alarcon shot Alam in the chest. Alam fell to the floor and pleaded with Alarcon to call his brother for help and not to let him die. Alarcon did not call for help. Instead he fled the scene on foot and attempted to leave the state by stealing a car. Alarcon was not caught until almost three months later when an eyewitness came forward with information and Alarcon was interviewed at the Middleton House of Correction where he was being held for an unrelated

matter. After giving investigators three different self-serving versions of how the murder occurred and his involvement, Alarcon finally made a written confession to the armed robbery and murder of Alam.

On January 18, 1994, Alarcon pleaded guilty to second degree murder in Middlesex Superior Court. On the same date he also pleaded guilty to armed robbery, and possession of a firearm. He received sentences of 15 to 20 years and three to five years for these convictions, respectively, both of which were ordered to run concurrently with the life sentence.

II. CRIMINAL & INSTITUTIONAL HISTORY

In 1991, Manuel Alarcon, while residing in Texas, was arrested for unauthorized use of a motor vehicle, and for the unlawful carrying of a club. Neither of those charges resulted in convictions. In 1993, while residing in Massachusetts, Alarcon was arraigned on charges of drug possession, and knowingly receiving stolen property. Those charges were *nolle prossed*. In April 1993, Alarcon was convicted of several charges in Lawrence District Court. Specifically, Alarcon was sentenced to 60 days for possession of burglarious tools; he received a one year suspended sentence with six months committed for larceny of a motor vehicle; and was assessed a \$100 fine for operating to endanger.

Alarcon was convicted of drug related crimes while serving his life sentence. On July 28, 2006, Alarcon received a one year to one year and one day sentence for possession to distribute a Class A substance. This offense occurred in April 2005, and the sentence was ordered to run consecutively to his life sentence.¹ In 2008, Alarcon was sentenced on a separate offense to a term of three to four years for possession of a Class A substance to run concurrently with the life sentence.

Also, Alarcon has incurred over 80 disciplinary reports throughout his incarceration. In addition to several disciplinary reports for tattooing inmates and possessing contraband for tattooing, Alarcon had been disciplined for using abusive language towards a correctional officer, assaulting a correctional officer, ordering an inmate to assault another inmate for gang acceptance, assaulting another inmate, stabbing another inmate with a pencil, breaking a toilet off a wall, destroying a sink, windows and throwing debris in his cell, setting fire in his cell, possession of heroin, possession of homebrew, and testing positive for alcohol use. Alarcon incurred his latest disciplinary report on July 2, 2013, or about one month before this parole hearing, for possession of tattoo paraphernalia, despite several prior disciplinary actions punishing him for that behavior.

III. PAROLE HEARING ON AUGUST 6, 2013

Manuel Alarcon, now age 39, appeared for a review parole hearing, after receiving a five-year-setback after his initial hearing in 2008. Alarcon reported that he had some issues with substance abuse which started during his incarceration. He stated that the Parole Board denied parole in 2008 for "substance abuse issues, anger issues and mental health issues." He stated that "I have substance abuse issues; I don't believe I've prepared for parole as I haven't addressed my substance abuse issues. I haven't taken programming as there is none available. I've attended every program they have, except for CRA [Correctional Recovery Academy],

¹ Therefore, a parole release on the life sentence would be to this sentence.

which is not offered at my institution." Alarcon stated he feels he can get help while on parole. He said he has been clean for two years. He reported, "It's been hard to stay clean." He suggested seeking help through parole for his substance abuse issues. He requested to be paroled to a long term residential program or sober house. Alarcon stated, "I don't think I will be paroled right now because of my institutional record." Alarcon maintained, "As far as violence or anything like that, I haven't really been violent in prison."

Alarcon reported he was 18 years old at time of the offense and was only in Massachusetts for about nine months. He reported he moved to Massachusetts due to his mother's illness. He was born in Mexico,² but was raised in El Paso, Texas by his mother and step-father. He explained he had a good family growing up, but had some difficulties and arrests which resulted in him being sent to youth programs, including the Baptist Boys Home. He was placed on juvenile parole while he resided in Arizona. He reported violating parole and returning to Texas, where he was sent to another program. He resided in Texas until he relocated to Massachusetts. He received his GED at age 17. He resided in Lowell and had difficulty finding employment. Shortly after moving to Lowell he started stealing cars and sold them to "chop shops or sold the parts." He reported drinking alcohol and smoking marijuana.

Alarcon was asked to describe the governing offense. He stated he knew the victim, Bechara Alam, from his frequent trips to the Mobil Station. "We just talk and hang out at his store." He had encountered Alam a few times and introduced him to a man named "Tony." He reported Alam borrowed money from "Tony" and did not pay him back. Alarcon stated, "I introduced him to the man which made me responsible when he didn't pay him back. When I approached him about the money he owed, he told me he needed a couple of more weeks. It wasn't about robbing. It was about collecting a debt for the loan shark. I went back a couple of weeks later. The first time I went I didn't have a firearm, the second time I did. I obtained the firearm from Tony. Tony told me to scare him. I never held a firearm prior to this. First we started arguing, then I remember he grabbed a bat, I grabbed the bat and then we started struggling for the bat, pushing back and forth, he went to hug me and I pulled the trigger and shot him. I panicked. He said, 'You shot me. Call the ambulance,' [but] I just ran home. I encountered Tony after the incident and told him what happened and gave Tony back the gun. I don't remember what I told the police. I don't remember what I did when I got back home. I gave the police a statement, but I don't remember what I told them. I didn't tell them I was responsible for the shooting, but at some point I did as it weighed on my conscience."

One Board Member inquired of a witness' statement, in which the witness wrote that on the day before the shooting, Alarcon showed her the gun, loaded it and unloaded it, and announced that "either today or tomorrow I'm going to find some money even if I have to kill somebody." Alarcon responded, "Me and her had a problem before that, as far as the statement she made it was false." Another Board Member questioned him about the many versions he has told over the years. Despite being confronted with this, Alarcon stated, "It's all the same and it hasn't changed." Alarcon was shown a copy of the statement he provided to the Lowell Police Department and acknowledged his signature on the statement, which stated "I didn't know the victim and me, Tony and Lucy went around looking for someone to rob." In response, Alarcon told the Board, "I forgot the drug dealing parts. I forgot all about those."

² Alarcon has dual citizenship, as his father is a United States citizen.

Alarcon described his institutional adjustment as "not good upon incarceration, I wasn't from here and things were different." He said he was not part of a gang in Massachusetts; however, he reported he was a member of a neighborhood gang in Texas known as "Barrio Nuevo." He stated that during his incarceration, "I associated with gangs in prison, but didn't get involved with them. I associated with different members from Latin Kings, La Familia and NETA and I got labeled as a gang member but I never was." He reported renouncing from the Latin Kings. However, the renouncement was overturned by the DOC due to a gang related incident in 1999 at MCI-Shirley and he was placed in a Disciplinary Detention Unit. He denied any gang involvement or incidents for the past fourteen years.

Alarcon reported many of his disciplinary reports are for "tattoos." He explained "I want to be a tattoo artist and even though I know the consequences it's what I do, I know it's against the rules, it's what I plan to do if I ever go home. It keeps my mind busy. It's not an excuse for what I do. It's the only thing that keeps me sane is drawing and tattooing." Alarcon explained it is difficult for him to stay out of trouble as his family resides in Texas and he has no family here. He reported he was married for eight years; however they are in the process of a divorce. He stated at first his marriage was a motivation to adjust his behavior; however "dealing with what I did has been hard to deal with. I'm responsible for my behavior." Alarcon has received 22 disciplinary reports since his August 2008 hearing.

Alarcon reported he has participated in Anger Management and some violence reduction programs. Board Members inquired as to what programs has helped him the most in preparation for parole. He stated, "Mental health programs in the RTU program are the only ones that have helped me." He reported he received an override to attend the Correctional Recovery Academy.

Alarcon was questioned regarding his mental health and could not explain why he has had numerous suicide attempts and it appeared he had little insight into his progress, except to say, "At the time I was using drugs and I was miserable." He reported he is currently, "receiving mental health services and taking Prozac." One Board Member noted that in 2005 Alarcon was sent to Bridgewater State Hospital for a mental health evaluation, following an incident wherein he set his bed on fire and attempted to hang himself while in the segregation unit at MCI-Cedar Junction. Alarcon was discharged prior to completing treatment. He stated, "I asked to leave because I was being accused of something I didn't do. I was accused of having something in my cell that I shouldn't have had, medications which they never found. I attended every program and did everything I was told to do." He denied hoarding, misusing or selling his medications. He reported his current mental health needs are, "What I am receiving now, the medication and seeing my therapist every month." Alarcon reported speaking to his therapist openly and honestly.

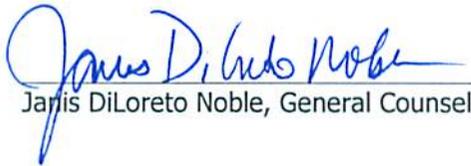
Alarcon had no supporters in attendance. Middlesex County Assistant District Attorney Heidi Gosule appeared in opposition to parole.

IV. DECISION

Manuel Alarcon assaulted and shot to death an innocent man. The motive was most likely robbery, but Alarcon has told different stories about the crime and given at least three different motives. He pleaded guilty to the robbery motive. His claim at this hearing, that he was collecting a debt owed to a third party, is a recent contrivance. Alarcon has a poor record of conduct in prison with 80 disciplinary reports, including 22 since his last parole hearing. The disciplinary record clearly establishes that he is not rehabilitated.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Mr. Alarcon does not merit parole because he is not rehabilitated. The period of review will be five years, during which time Mr. Alarcon should maintain sobriety and make an active commitment to rehabilitation with program participation and improved behavior.

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.


James DiLoreto Noble, General Counsel

3/3/14
Date