

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT DEPARTMENT
DOCKET NO. 2581-CR-0251-001

COMMONWEALTH

v.

KEVIN LINO

2025 AC 27 Filed in Court
Dawn F. Clark
Assistant Clerk

COMMONWEALTH'S STATEMENT OF THE CASE

Now comes the Commonwealth in the above-captioned matters and submits this Statement of the Case. This statement is provided to assist the court and is not intended to be a bill of particulars, nor does it contain all information known to the Commonwealth at this time.

On the afternoon of November 29, 2010, police responded the area of the Rogers St. bridge in Lowell, after receiving a report of a body being found. They found Gary Melanson, 54, deceased, his body positioned over a collapsed tent, having suffered multiple visible wounds. The victim stood 5'4" and weighed 130 lbs. at the time of his death. Numerous additional wounds were noted during the examination of the victim's body and during the subsequent autopsy by the Office of the Chief Medical Examiner. A pathologist determined that the victim had suffered blunt impact injuries to his head; blunt impact injuries to his torso, including fractured ribs, pneumothorax (collapsed lung) and hemothorax (the presence of blood in the area between the lung and chest wall); and blunt impact to his extremities, including a fracture of his left ulna (a bone in the forearm that stretches from the elbow to the wrist). The victim's cause of death was recorded as "blunt

trauma to torso;" his manner of death was recorded as "undetermined." No suspect was identified at that time.

In December of 2017 Kevin Lino, then an inmate in the Montana State Prison serving a sentence on an unrelated matter, was interviewed by Massachusetts State Police detectives relative to an investigation of an unrelated matter in Suffolk County. During the recorded interview, and after having been fully advised of his rights, Lino bragged to them that he had once killed a man in Lowell in the area of Rogers Street. Lino described his victim in that case as being an older white male, but declined to give further details at that time.

In June of 2018, Lino wrote a letter to the MSP detectives, describing his conduct in Lowell as constituting "a murder." Later that same month he wrote a letter to Lowell PD investigators, where he provided additional details. Lino wrote that he had referred to the victim as "Troll" because he lived under a bridge, and said he had beaten the man to death because he was warming himself with a fire after being warned by Lino not to do so. Lino wrote, "I told him to put out the fire and he wouldn't, so I beat him with a baseball bat, put out his fire, throw [sic] him half inside his tent half way out and broke the tent to make it seem like he fell just in case he died! . . . oh yeah I also piss [sic] on him . . . It was not the element [sic] that killed Troll, I killed Troll." In a letter Lino wrote to his father, he bragged, the Rogers Street murder was "pretty bad, I beat the shit out of the man with a Base Ball Bate [sic] a mental [sic] one for 20 mins at least or at least it felt like 20 mins and left him to die in the cold winter night."

Later that month Lino was interviewed by detectives from the Middlesex County State Police Detective Unit and the Lowell Police Department. After being advised of his

Miranda rights, Lino admitted with obvious relish the manner in which he had beaten the victim to death. He indicated that the victim attempted to defend himself with his own bat, but that he was easily overpowered, noting “[I]t wasn’t a scuffle like he had a chance. He had a better chance seeing Jesus kissing Santa Claus on Halloween. . . I don’t think I ever got hit.” By contrast, Lino described striking the victim “in the head . . . arm . . . legs . . . everywhere.” The description of these wounds closely tracked the injuries observed by the OCME pathologist and described in his autopsy report – a report that was never released to the public. Lino also described accurately the clothing the victim was wearing at the time of his death, the temperature on the night of his murder, and the position of the victim’s body. Like the autopsy report, the crime scene photos depicting the positioning of the victim’s body and the victim’s clothing had never been released to the public, strongly corroborating Lino’s account of events.

Police also identified a civilian witness who had been an acquaintance of Lino in the year 2010. That witness described how Lino had lived in the area of the Old Mother Hubbard pet food factory in Lowell with his dogs, and that Lino came to him in 2010 to report that he had “found” a dead body. The witness described how Lino had admitted having an argument with the dead man but did not admit to killing him. After Lino left, the witness called 911 but did not disclose Lino’s name to authorities.

Lino claimed that his intention in beating the victim was not to kill him, but merely to “beat him up.” But he also described factors that clearly implicated malice. Lino was younger, taller, heavier and stronger than the victim. He was also a far more capable combatant: Lino was, by his own description, an experienced street fighter, “extremely” skilled in mixed martial arts. Lino admitted raining down multiple blows on the victim

(“Like, when I hit him in the ribs, of course he’s gonna drop his arms. I hit him in the head for sure. I hit him in the head for sure. I hit him in the arms for sure. I hit him in the ribs, his him everywhere.”). Lino admitted that he continued striking the victim even when the victim was defenseless (“Towards the end, he wasn’t conscious; I kept hitting him”). He described intentionally striking the victim in areas that were calculated to cause maximal pain (“Hit him in the legs a bunch of times. You know what I mean? I was trying to fuck up his knees so fucking bad”). And he described urinating on the victim’s body as he lay dying (“Oh, I pissed on him”), an act of ritual humiliation. Lino described, in a 2017 investigation into a different manner, why he would elect to urinate on another person’s body after bludgeoning them: “When I piss on people it usually means ‘you’re nothing, you’re garbage.’” These factors, including the pleasure Lino took in the suffering of the victim; the number of blows he delivered; and the extent of the injuries; together demonstrate first degree murder by extreme atrocity or cruelty.

Respectfully Submitted
For the Commonwealth

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