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COMMONWEALTH PREVAILS IN APPEAL OF DRIVE BY SHOOTING ASSAULT CONVICTION

BROCKTON – The Massachusetts Appeals Court has affirmed the conviction of a Randolph man found guilty for his role in a driveby shooting along Route 3 in Duxbury, Plymouth County District Attorney Timothy J. Cruz announced today.

On March 29, 2014, at approximately 11:54 a.m., Massachusetts State Police received several 911 calls reporting a shooting on the southbound side of Route 3 in Duxbury. Upon arrival, State Police observed a red Dodge SUV in the middle of the highway with bullet holes in the vehicle and a reddish brown substance, later determined to be blood, inside the vehicle. There were shell casings and projectiles at the scene.

The investigation revealed that there had been growing family tension between Gai Scott, now 44 years-old, and the shooting victim in the case, a relative of Scott's. Scott was traveling on Route 3 Southbound in a funeral procession for another family member, heading to a church in Plymouth when the shooting took place. At some point, the vehicles were driving side by side and Scott fired several shots into the red Dodge SUV being driven by his relative. The victim was struck by gunfire, pulled over and exited his vehicle along the highway. The victim was picked up by another relative who was driving in the funeral procession and taken to Duxbury Police Department before being transported to a local hospital for treatment of his non-fatal gunshot wounds. Scott was arrested and taken into custody and charged.

In August, 2016, a jury found Scott guilty of one count of Assault and Battery with a Dangerous Weapon. The jury found Scott not guilty of one count of Armed Assault with Intent to Murder. Plymouth Superior Court Judge Jeffrey Locke sentenced Scott to 2 ½ years in the House of Corrections with 18 months to serve and the balance suspended for three years. As part of the conditions of his sentence, Scott cannot own a firearm, not apply for a firearms license and not reside in a home with firearms. Scott must also submit a DNA sample to CODIS, the Combined DNA Index System. The Commonwealth recommended Scott be sentenced to serve 3-5 years in State Prison.

Scott appealed his conviction to the Massachusetts Appeals Court, challenging: five of the judge's instructions to the jury, the judge's denial of Scott's request to dismiss a deliberating juror, the judge's ruling denying the admission of certain evidence regarding the victim's rap lyrics and music videos, a threat that the victim made to another man, additional evidence regarding gang membership, and a restraining order that had been issued to Scott's sister.

On Friday, August 27, 2021, in an unpublished 21-page decision, the Appeals Court rejected Scott's claims.

Assistant District Attorneys Amanda Fowle and Kaitlyn O'Leary prosecuted the case, which was investigated by State Police assigned to the District Attorney's Office, Duxbury Police and Plymouth Police. Assistant District Attorney Mary Nguyen argued the case on appeal.