



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

ROBERTO GOMEZ

W54202

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: June 5, 2012

DATE OF DECISION: September 17, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, prior criminal history, Mr. Gomez' institutional record, Parole supervision record, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in four years.

I. STATEMENT OF THE FACTS

On March 25, 1993, Mr. Gomez pled guilty to second degree murder of Walter Lake, age 40. He received a life sentence with the possibility of parole.

Mr. Gomez and the victim, Walter Lake, were known to each other, as they were both homeless and frequently slept under the same bridge alongside the Merrimac River in Lawrence. On April 13, 1992, Mr. Gomez was drinking with friends at an apartment in Lawrence. He stated that he was angry at Mr. Lake who he insisted had thrown him in the river earlier that day. He also stated that Mr. Lake and another individual (Joe Connelly) were "prejudice" and had insulted him because he was Hispanic. There were several people present in the apartment who reported that Mr. Gomez grew more enraged during his time there and was told he had to leave. Prior to leaving, Mr. Gomez reportedly took a knife from the kitchen, and a 49" copper pipe, and stated that he was "going to cut up a white boy." Witnesses

reported that they attempted to discourage Mr. Gomez from taking the weapons with him, but he stated he was going to search for Mr. Lake and he left the apartment.

After finding both Mr. Connelly and Mr. Lake under the bridge, Mr. Gomez confronted the men. Mr. Connelly reportedly tried to calm Mr. Gomez down, and thought he had done so, but Mr. Gomez resumed his angry behavior. Mr. Gomez attacked Mr. Lake by striking him on the head, arms, legs and neck with the pipe, leaving him unconscious and fatally injured. It is unclear how Mr. Lake received medical attention; however, he died in the hospital the following day from his injuries.

Mr. Gomez was questioned at the scene by police, and provided a statement that corroborated witness accounts. Mr. Gomez has since provided varying versions of both the precipitants to the murder and the manner in which Mr. Lake died. In his most recent interview with parole staff (May 23, 2012), Mr. Gomez reported that he had been "molested" by Mr. Lake days prior to the murder. He stated when he confronted Mr. Lake about being sexually assaulted, Mr. Lake attacked him, and he acted in self defense, by hitting Mr. Lake with a piece of pipe he found on the ground during the fight. This version is inconsistent with the evidence, the conviction, and the inmate's prior statements.

II. PAROLE HISTORY

Mr. Gomez was released on parole supervision on August 8, 2007, to reside with his sister in Arizona. Based on reports through the interstate compact with parole in Arizona, Mr. Gomez was compliant with all conditions of parole for over two years. He began to struggle financially when he moved into his own apartment in December of 2010, but continued to comply with all conditions of parole until March 23, 2011, when he did not report to his parole officer as instructed. It was later learned that Mr. Gomez had left his residence without permission approximately three weeks prior. Massachusetts parole was notified of this and Mr. Gomez was determined to be in violation of his parole due to "whereabouts unknown."

Mr. Gomez was located in Long Beach, California after being arrested for obstruction of a police officer. The obstruction case was later dismissed and Mr. Gomez was extradited to Massachusetts for being in violation of his parole.

Mr. Gomez reported that he had left the state of Arizona without permission after losing his jobs at Burger King and McDonald's. He stated he was in fear of being in violation of his parole due to his job loss, thus he decided to leave the state with his girlfriend who was reportedly in search of her children with whom she had lost custody. This relationship eventually ended, he was unable to secure housing or employment in California, and he essentially resumed his life of homelessness. Mr. Gomez denies having consumed any alcohol or drugs since his release on parole.

III. INSTITUTIONAL ADJUSTMENT

Mr. Gomez' institutional behavior has been good throughout his incarceration. He has not been returned to higher custody and has received only a few minor disciplinary reports. Mr. Gomez has completed a moderate amount of programming, primarily related to his history of alcohol addiction, and he attempted to gain his G.E.D., but to date has not been able to do so. It is unclear if Mr. Gomez has some cognitive limitations that present as a barrier to completing his G.E.D. Since his return to custody, he continues to address his addiction through available programming. He is no longer pursuing his education. Mr. Gomez has remained free from any disciplinary infractions since his return to custody.

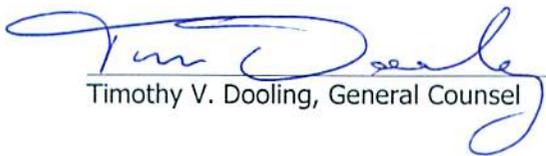
IV. DECISION

Mr. Gomez was questioned by the Board regarding his version of the murder and his overall parole history. Mr. Gomez continues to provide a version of the offense that is inconsistent with his prior statements to police, his plea, witness accounts and additional evidence, such as the autopsy report. Mr. Gomez also acknowledges that he fled while on parole; however, he appears to minimize the seriousness of going "whereabouts unknown." Although Mr. Gomez was able to maintain a positive parole record for over two years, once he was living independently, he clearly decompensated and instead of utilizing the supports in place, he fled and resumed a life of homelessness. Mr. Gomez was unable to offer any insight or assurance as to why he made such destructive decisions, and how he would reintegrate into society and lead a productive life.

Mr. Gomez clearly is in need of more supports to succeed on parole than he currently has. He had no supporters present to offer testimony, nor did he provide any letters of support. Mr. Gomez is unsure if he has the support of his family, and does not have any other individuals who would assist him with reintegrating into society. In addition, even with the support of his family and parole, Mr. Gomez absconded and was only located, in a different state, because he was arrested. Having no ability to supervise Mr. Gomez because he absconded placed the public at risk. This is a concept that Mr. Gomez fails to recognize as serious, nor does he appreciate the Board's concerns with his reverting to a marginalized existence with no positive means of support.

Although Mr. Gomez's institutional record is positive, it is unclear if he has or is benefitting from programming, as he demonstrated in the hearing and while on parole a lack of insight and poor judgment that remains a serious concern for this Board. Mr. Gomez's release at this time is not compatible with the welfare of society. Mr. Gomez was encouraged by the Board to re-invest in educational and rehabilitative programming that is available. He was also encouraged to work with the institutional staff to identify any areas of need, specifically in relation to his cognitive functioning or his mental health, and to accept available resources to assist him with achieving a meaningful level of rehabilitation.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Timothy V. Dooling, General Counsel

9/17/12
Date