



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

JOSEPH CARDOZO

W39662

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: September 27, 2011

DATE OF DECISION: April 24, 2013¹

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, 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, 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. The next hearing will be in September of 2016.

I. STATEMENT OF THE CASE

On September 27, 2011, Joseph Cardozo appeared before the Board as a parole violator for a revocation review hearing. He was first paroled in 2007, and returned to custody in 2008 following parole violations for irresponsible conduct that resulted in a restraining order being issued against him, as well as for associating with persons known to have a criminal history. He was re-paroled on October 16, 2008, but was returned to custody in 2010 after he had a party at his apartment where six underage people were consuming alcohol. This conduct resulted in the initiation of parole revocation proceedings.

¹ This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

On or about July 28, 1981, Mr. Cardozo murdered his neighbor, Joyce Dapper. The cause of death was two gunshot wounds to the head and neck. Her body was discovered on August 7, 1981, in Wrentham. After a guilty plea in 1983, he was sentenced to life in prison for second degree murder.

Mr. Cardozo admitted the murder to police one week after the murder, and admitted to certain facts in the plea colloquy. The following account of the murder is taken from those admissions. Prior to the murder, Mr. Cardozo and the victim had been discussing the possibility that Mr. Cardozo's girlfriend may be pregnant. He felt that the victim had insulted his girlfriend, and struck her in the back of the head four or five times, knocking her unconscious. These events took place in Cumberland, Rhode Island. He then put her body in the trunk of his car, shot her twice with a .22 caliber rifle that he had retrieved from his home after he had knocked her unconscious, and drove to the woods in Wrentham. Once there, he saw her hand move, took a large rock, and smashed her in the head with it twice. He wrapped her body in a blanket, dragged it further into the woods, and returned home to Cumberland, Rhode Island to hide the gun in his attic.

II. PAROLE HEARING ON SEPTEMBER 27, 2011

Joseph Cardozo described his background and stated that he had many issues of trust and abandonment. He stated he was "angry as hell at everybody" as a younger person. He gave the following version of the murder at the hearing: he was in his parents' living room contemplating suicide when Joyce Dapper walked in without knocking; she went upstairs to the room where she was staying and he thought she was his mother; he went upstairs and shot her without realizing who it was; he thought he shot his mother. This version is in considerable conflict with the evidence and the plea colloquy.

In explaining his two parole failures, he placed blame on his former girlfriend, returning to that theme on several occasions. He did not mention that the parole officer observed marks and bruising on the girlfriend's arms. He did admit that he knowingly violated parole by drinking alcohol and associating with persons with a criminal record. His second violation involved deceiving his parole officer about living with a teenage male and hosting a party at which underage girls were drinking alcohol. He denied that he knew about the drinking.

After Mr. Cardozo described the murder and his two parole violations, Board Members made the following comments: "you still have some issues with being straightforward;" "you have engaged in deceptive behavior and been willfully misleading;" "you have given excuse after excuse after excuse;" "you blame someone else for everything." Because of Mr. Cardozo's deceptions through the years, it is unlikely that the real motive for the murder will ever be known.

III. DECISION

Joseph Cardozo violated parole with a domestic violence incident in 2008 after just eight months on parole. He was re-paroled in October 2008 but violated in August 2010 for deceiving his parole officer about his living situation and hosting a party at which underage girls consumed alcohol. By his actions on two separate paroles, Mr. Cardozo has established that he

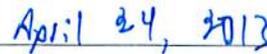
is not rehabilitated and cannot comply with the conditions of parole. He has cavalierly violated parole conditions involving alcohol, living arrangements, and honesty.

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, the Board finds that Mr. Cardozo is not rehabilitated, and that his release is incompatible with the welfare of society. Accordingly, parole is denied.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.



Josh Wall, Chairman



Date