



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**MANUAL MATOS**

**W54242**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** May 21, 2013

**DATE OF DECISION:** May 9, 2014

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 a suitable candidate for parole on or after May 30, 2014. On February 9, 2011, Mr. Matos was ordered removed from the United States to the Dominican Republic by the Immigration Court. An ICE detainer is lodged with the Department of Correction. Parole is to the ICE detainer.

**I. STATEMENT OF THE CASE**

On December 15, 1991, 35-year-old Ruben Carillo Aumada died of a single gunshot wound to the head. Following a jury trial, Matos was found guilty of second degree murder in Plymouth Superior Court and was sentenced on April 2, 1993, to life in prison with the possibility of parole at fifteen years.

After a night of drinking alcohol and using drugs in his own apartment, Manual Matos killed his friend Ruben Carillo Aumada by shooting him once in the head. Matos had hosted a party with a group of friends that night; two of the guests were asleep in the apartment at the time of the shooting. The gunshot awoke one of the guests, who ran into the kitchen and saw Matos with a gun in his hand and the victim on the floor. Matos was arrested two days after he

had shot Mr. Aumada; Matos gave a statement to the police in which he falsely claimed that the victim shot himself.

The inmate was 33 years old at the time of the murder and 53 years old at the time of his hearing. He lived most of his life in the Dominican Republic; he entered the United States illegally 18 months before the murder. He does not have any other criminal record in this country; he says he has no arrests in the Dominican Republic.

## **II. INSTITUTIONAL HISTORY**

Manual Matos has served 21 years of a life sentence and has maintained an exemplary record within the correctional system, accruing only two disciplinary reports. The last disciplinary report was issued in 2000.

Since his last parole hearing in 2011, Matos completed Emotional Awareness. In addition, he has remained actively involved in Alcoholics and Narcotics Anonymous (English and Spanish) and religious activities. Matos has also completed the Correctional Recovery Academy, Adult Basic Education, Alternatives to Violence (three phases), and Jericho Circle. He has participated in Nuestra Familia and Toastmasters.

Matos has been employed for 18 years in the industries department and has been assigned for the past ten years in the metal shop. He has earned several certificates from the Massachusetts Correctional Industries program for his work. He completed training as a welder and obtained a license.

## **III. PAROLE HEARING ON MAY 21, 2013**

Manual Matos appeared for a review hearing on the life sentence for second degree murder that he is currently serving at MCI-Norfolk. This is Matos' third appearance before the Board. The initial hearing occurred on January 9, 2007. The Board denied his petition for parole with a review in four years. A review hearing was conducted on May 17, 2011. The Board denied this petition with a review in two years, as Matos had made progress in his rehabilitation. Matos was represented at this hearing by Attorney Eva Clark. He used a Spanish interpreter.

Matos lived in the Dominican Republic until he came to the United States at age 32 and committed the murder at age 33. He settled in Massachusetts because he had cousins and aunts here. He left school in the fourth grade because his family needed him to work in the fields. He has eight siblings. He started using alcohol and marijuana at age 17, but said that he did not use other drugs while living in the Dominican Republic. He did not have any arrests in the Dominican Republic. He worked as a welder in the Dominican Republic and was able to find work as a welder in Massachusetts. He quit work after a month, however, and began using and selling cocaine.

On the night of the murder, according to Matos, Ruben Aumada came to Matos' apartment because Aumada was fighting with his wife. They were friends and had previously used cocaine together. Matos said, "we were drinking and using cocaine together; we had an argument over the drugs; he wanted more cocaine and I didn't want to give him more; we argued and the argument got heated; I pulled out a gun and shot him." Matos emphasized that he could not have committed such a violent act if he had not been using alcohol and cocaine.

In his statement to police after the crime, Matos said that the victim shot himself. At this hearing, Matos said, "I did lie to the police at the beginning and I told the same lie at my first parole hearing in 2007; I lied because I did not open my heart to the truth; I did not have the courage to tell the truth; the Parole Board knew I was lying; in 2011 I spoke with a friend and he helped me to tell the truth when I came to my parole hearing in 2011."

Matos has a very good institutional record. He has only two disciplinary reports and has worked for 18 years in the metal shop. He attends Spanish AA, and has participated in 12 Step, Big Book, and Toastmasters. He attends adult education classes but has been unable to obtain a GED. He has completed the Correctional Recovery Academy, Emotional Awareness (in Spanish), and Jericho Circle. He reported that the programs have been very helpful to him, including teaching him how to "calm my anger" and use different strategies to avoid an angry confrontation. He also said that he now understands the consequences of dealing drugs.

In asking for parole, Matos recognized that he will be deported to the Dominican Republic. He would live with his mother and sister. He has many relatives who live in the same town, including his four adult children. Matos reported that he has contact with all of his children, two of whom are teachers. His family and friends have arranged four job opportunities for him.

Plymouth Assistant District Attorney Matthew Libby spoke in opposition to parole. Mr. Matos had several supporters in attendance and four friends and family members spoke in support of parole.

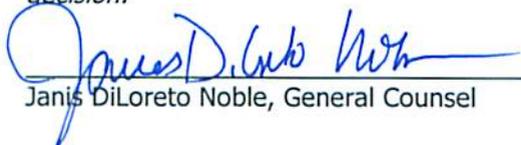
#### **IV. DECISION**

Manual Matos murdered Ruben Aumada in 1991. Matos is now 54 years old and has served 23 years of his life sentence. He made an unfortunate decision to deny the crime at his first parole hearing in 2007, which signaled clearly that he was not rehabilitated. At his second parole hearing, in 2011, Matos admitted for the first time that he fired the fatal shot. He has benefited from rehabilitative programs that have decreased his anger, increased his empathy for the victim, and provided a base for sobriety. His institutional record gives strong evidence of his rehabilitation: he has only two disciplinary reports, has been involved in relevant programs, and has worked in the same job for 10 years. He does not present a current risk for violence and he has demonstrated that he is 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, the Board finds that Mr. Matos is a suitable candidate for parole.

SPECIAL CONDITIONS: Parole to ICE detainer for deportation to the Dominican Republic; no drug use; no alcohol use; AA or NA three times per week; counseling for one year minimum for substance abuse and adjustment issues.

*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.*

  
Janis DiLoreto Noble, General Counsel

  
Date