

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF
AMILICAR DE LA CRUZ
W65868

TYPE OF HEARING: **Review Hearing**
DATE OF HEARING: **February 15, 2022**
DATE OF DECISION: **August 22, 2022**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

STATEMENT OF THE CASE: On January 11, 1999, in Essex Superior Court, Amilicar De La Cruz pleaded guilty to the second-degree murder of Laura Argeorgitis and was sentenced to life in prison with the possibility of parole.

Mr. De La Cruz appeared before the Parole Board for a review hearing on February 15, 2022. He was represented by Attorney Sean Smith. This was Mr. De La Cruz’s third appearance before the Board, having been denied at his initial hearing in 2010 and at his review hearing in 2019. Mr. De La Cruz postponed his 2015 hearing. The entire video recording of Mr. De La Cruz’s February 15, 2022, hearing is fully incorporated by reference to the Board’s decision.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude by a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to Dismas House or Brooke House after twelve months in lower security. Mr. De La Cruz was 16 years old at the time of the offense and has served approximately 26 years for the murder of Laura Argeorgitis. He has made significant educational achievements to include a degree from Boston University. He has done significant rehabilitative work to prepare him for reentry. The Board considered the psychological evaluation of Mr. De La Cruz’s expert from 2019 and 2022. Based on the opinion of Dr. Zivin, Mr. De La Cruz is low risk to reoffend. His

¹ Chair Moroney was recused.

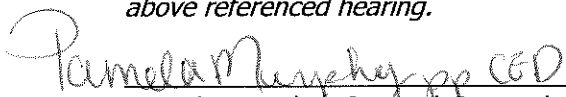
reentry recommendations from Kelsey Haggett include that he continues to pursue an appeal through DMH and/or utilize community-based services.

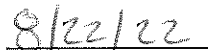
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. De La Cruz's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. De La Cruz's case, the Board is of the opinion that Mr. De La Cruz is rehabilitated and merits parole at this time.

Special Conditions: Reserve to LTRP, must complete; Waive work for LTRP; Curfew must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s) family; Must have mental health counseling for adjustment/transition; AA/NA 3 times/week.

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


Pamela Murphy, General Counsel


Date