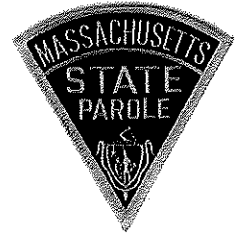


The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**AMILICAR DE LA CRUZ**

**W65868**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** February 26, 2019

**DATE OF DECISION:** February 18, 2020

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler<sup>1</sup>

**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, the criminal record, the 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 unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

**I. 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.

On the night of August 22, 1995, Lynn police responded to a shooting on Essex Street. Laura Argeorgitis (age 17) was found in respiratory arrest, bleeding profusely from a head injury. Upon arrival of ambulance services, a further examination also revealed a gunshot wound to the middle of her sternum. Ms. Argeorgitis was subsequently transported to Salem Hospital, where she succumbed to her injuries just before midnight. Two teenage female witnesses reported to

<sup>1</sup> Board Member Treseler was present for the hearing, but was no longer a Board Member at the time of vote.

have been with Ms. Argeorgitis when they were approached by 16-year-old Amilicar De La Cruz. They became involved in a dialogue with him, as all three girls knew him and had been involved in previous incidents with him involving animosity. During the course of the conversation, Mr. De La Cruz drew a handgun from his waistband and began firing at Ms. Argeorgitis. He then fled on foot.

Mr. De La Cruz was apprehended at the apartment of his cousin. His cousin told investigators that Mr. De La Cruz admitted to shooting a young female and informed of where he had hidden the gun. With the help of the cousin, the gun was recovered in bushes outside of the apartment building.

## **II. PAROLE HEARING ON FEBRUARY 26, 2019**

Amilicar De La Cruz, now 41-years-old, appeared before the Parole Board for a review hearing on February 26, 2019. He was represented by Attorney Richard Goldman. Mr. De La Cruz was denied parole after his 2010 initial hearing, and he then postponed his 2015 review hearing. In his opening statement to the Board, Mr. De La Cruz apologized for the "unnecessary pain and suffering" he caused when he murdered Ms. Argeorgitis. He acknowledged that his actions deprived Ms. Argeorgitis and her family of "life's greatest gift." He further apologized to his own family for the effect his crime had on them. Mr. De La Cruz told the Board he experienced a troubled adolescence that was likely due, in part, to undiagnosed mental health issues. Following an argument with his stepfather, he set fire to his family's home and was sent to live at a group home.

At the group home, he met a young woman, a friend of Ms. Argeorgitis, who soon became his girlfriend. He explained to the Board that the relationship was initially good, but that he soon became jealous of her friendships with other men. They broke up and got back together, but verbal arguments turned physical, leading to a significant altercation where Mr. De La Cruz punched her (twice) in the face. The assault on his ex-girlfriend prompted multiple confrontations between him and her friends. In one instance, a group of people beat Mr. De La Cruz to the point that he required hospitalization. Approximately two weeks later, he purchased a gun "to prevent getting jumped again." On the night of the murder, Mr. De La Cruz was walking to a bus stop when he observed a group of three young women that included his ex-girlfriend and Ms. Argeorgitis. After Mr. De La Cruz approached them, a verbal argument ensued between him and Ms. Argeorgitis regarding ongoing tension. Mr. De La Cruz then reached for his gun and shot Ms. Argeorgitis three times in the chest, face, and back. Mr. De La Cruz explained that he "exploded with anger" when he shot and killed Ms. Argeorgitis.

During his incarceration, Mr. De La Cruz participated in Anger Management, Correctional Recovery Academy, Restorative Justice, mental health programming, and domestic violence courses. He told the Board that these programs have assisted him in recognizing that "there are other emotions before anger." Mr. De La Cruz said that his daily life involves reading, writing, and keeping to himself. Although he has a small group of close friends, Mr. De La Cruz acknowledged that noise, as well as groups of people, make him anxious. The Board noted that Mr. De La Cruz attends mental health counseling once each month, but that he is not currently taking medication. Mr. De La Cruz told the Board that he "always" stops taking his medication, but has found meditation and music to be therapeutic. Going forward, however, he noted that he would take medication if a doctor prescribed it. When Board Members noted that Mr. De La

Cruz had reported that he still "shut[s] down and isolate[s]" himself, he insisted that the Board need not be concerned about it.

The Board expressed concern for Mr. De La Cruz's home plan. Mr. De La Cruz proposed to live with his mother and stepfather, and the Board questioned whether this plan would provide the structure and support needed to address his mental health.

Mr. De La Cruz's stepfather and social worker, Lisa Gigliotti, testified in support of parole. The Board considered the report of Dr. Zoe Ray, as well as the report and testimony of Dr. Hilary Ziven. Essex County Assistant District Attorney Elin Graydon testified and submitted a letter in opposition to parole. The Board considered additional letters in opposition to parole, including a letter from Lynn Police Department Chief Michael Mageary.

### **III. DECISION**

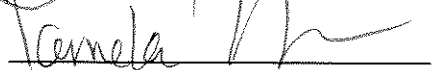
It is the opinion of the Board that there is not an adequate reentry plan that would be compatible with the welfare of society and that meets Mr. De La Cruz's mental health needs, per his own expert. Additionally, Mr. De La Cruz should participate in the classification process and recommended treatment/programming according to his personalized program plan.

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 standard to the circumstances of Mr. De La Cruz's case, the Board is of the opinion that Amilicar De La Cruz is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. De La Cruz, therefore, does not merit parole at this time.

Mr. De La Cruz's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. De La Cruz to continue working towards his full rehabilitation.

*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.*

  
Pamela Murphy, General Counsel

2/18/2020  
Date