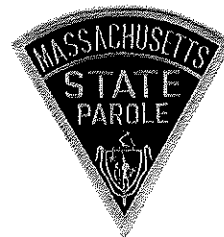


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

ANGEL CARTAGENA

W37434

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 3, 2018

DATE OF DECISION: December 10, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

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 that the inmate is a suitable candidate for parole.¹ Parole is granted to a Long Term Residential Program (LTRP) after 12 months in lower security with special conditions.

I. STATEMENT OF THE CASE

On December 26, 1979, after a jury trial in Essex Superior Court, Angel Cartagena was convicted of the second degree murder of 75-year-old Ernest Tellier and sentenced to life in prison with the possibility of parole. On that same date, he also received two concurrent life sentences with the possibility of parole for unarmed robbery and burglary. Mr. Cartagena unsuccessfully appealed his convictions.²

¹ Two Board Members voted to deny parole with a review in three years.

² *Commonwealth v. Angel Cartagena*, 386 Mass. 285 (1982)

On November 14, 1978, 24-year-old Angel Cartagena broke into Ernest Tellier's Lawrence apartment, stealing watches and silver coins. On the night of November 17, 1978, Mr. Cartagena broke into the apartment again, this time bringing two accomplices. Mr. Cartagena ransacked the apartment and searched for more valuables, while his two accomplices held down Mr. Tellier and then bound and gagged him. As the men were leaving, one of them stole Mr. Tellier's wallet from his pocket, pulling the victim's pants down below his knees in the process. The next night, the victim's sister returned home from a trip and found her brother dead on the floor. Following an investigation, Lawrence police went to Mr. Cartagena's home to question him. When Mr. Cartagena opened the door for the police, items that were taken during the burglary were in plain view of the officers. Mr. Cartagena was then arrested.

II. PAROLE HEARING ON APRIL 3, 2018

Angel Cartagena, now 61-years-old, appeared before the Parole Board for a review hearing on April 3, 2018. He was not represented by counsel. Mr. Williams was denied parole after his initial hearing in 1993, as well as after his review hearings in 1995, 1997, and 2000. After his review hearing in 2002, the Parole Board voted to parole Mr. Cartagena after completion of his prescription. In 2004, he went to live with his wife in Florida, and his supervision was transferred to the Florida Parole Board. On March 11, 2006, Mr. Cartagena was arrested for driving under the influence. On April 26, 2006, the Parole Board voted to give him a final warning. On September 2, 2006, he was arrested for driving with a suspended license. Following this arrest, the Parole Board added stricter conditions to his parole supervision. On December 2, 2006, Mr. Cartagena was arrested (again) for driving under the influence and driving after his license had been suspended. Mr. Cartagena served a 6 month sentence for this offense, and his parole was revoked. He was returned to Massachusetts custody on June 20, 2007. Parole was denied at his 2008 and 2013 review hearings.

In his opening statement to the Board, Mr. Cartagena apologized to the family, friends, and loved ones of Mr. Tellier and expressed his remorse. He also apologized to the Board, and to his family and friends, for his relapse and for violating his parole conditions. The Board noted that after Mr. Cartagena was last denied parole, he wrote to the Board, telling them he no longer wanted to be considered for parole. When questioned, Mr. Cartagena explained that for a period of time, he lost all hope of ever being paroled. However, after meeting Paul Carew of Veteran's Services and learning about the long term residential program at Delancey Street Foundations, his hopes were renewed. Mr. Cartagena told the Board that he has re-engaged in programming. He has an Alcoholics Anonymous Sponsor and has been sober for 11 years. He is also trying to get into the Restorative Justice program.

The Board questioned Mr. Cartagena about his numerous disciplinary reports, as well as the stabbing of a corrections officer in 1981. Mr. Cartagena explained that when he was first incarcerated at MCI-Cedar Junction (then MCI-Walpole) in the 1980's, it was a violent place, and he incurred many disciplinary reports. However, he hasn't had a violent disciplinary report since the 1981 stabbing, nor has he had any formal disciplinary report since 1992. The Board noted that Mr. Cartagena had been on parole for 4 years, doing well until the last 8 months of his parole, when he was arrested twice for driving under the influence of alcohol and a third time for driving with a suspended license. Mr. Cartagena explained that, initially, his re-entry into the community was positive. He had a job (and, at one point, worked two jobs), he got married, and he bought a house. However, he stopped going to Alcoholics Anonymous meetings. He thought he could

have "just one drink," but soon, he was drinking every other day. Mr. Cartagena now recognizes that he is an alcoholic and cannot be around people who drink.

Mr. Cartagena asked the Parole Board for a release to the Delancey Street Foundation long term residential program, after a 12 month step-down to lower security. He has been accepted to this two year substance abuse program. Also, he would like to complete the one year Vivitrol program and then live in a sober house. Mr. Cartagena is a veteran and has a letter of support from Paul Carew of Veteran's Services. Mr. Cartagena said he would continue to attend Alcoholics Anonymous and talk with his Alcoholics Anonymous sponsor daily.

Veteran's Services Representative Paul Carew sent a letter in support of parole. Mr. Cartagena's Twelve Steps/Alcoholics Anonymous Sponsor also sent a letter in support of parole. Essex County Assistant District Attorney Elin Graydon testified in opposition to parole and submitted a letter of opposition, as well.

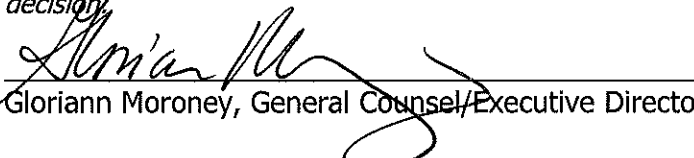
III. DECISION

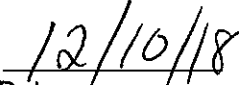
The Board is of the opinion that Angel Cartagena has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Cartagena has been re-incarcerated for nearly 11 years. He has been sober for 11½ years. He has been active in the Alcoholics Anonymous community and has a strong relapse prevention plan for alcohol. Mr. Cartagena has served over 35 years and is 61-years-old. He has strong community support. He is remorseful and presented well.

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 forming this opinion, the Board has taken consideration Mr. Cartagena's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction could effectively minimize Mr. Cartagena's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Cartagena's case, the Board is of the opinion that Angel Cartagena merits parole at this time. Parole is granted to a Long Term Residential Program (LTRP) after 12 months in lower security with special conditions.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be at home between 10:00 pm and 6:00 am; Electronic monitoring at PO's discretion; 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 evaluation and must comply with recommended treatment plan; Long Term Residential Treatment program; AA at least 3 times/week; Mandatory Sponsor.

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.


Gloriann Moroney, General Counsel/Executive Director


Date