



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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Chair

**DECISION**

**IN THE MATTER OF**

**CARLOS DOMINGUEZ**

**W87650**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** December 11, 2018

**DATE OF DECISION:** September 4, 2019

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe<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, 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 not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On May 8, 2006, in Suffolk County Superior Court, a jury convicted Carlos Dominguez of second-degree murder in the death of 61-year-old Sau Sun. Mr. Dominguez was sentenced to life with the possibility of parole. Mr. Dominguez filed motions for new trial, but the denials were affirmed.

In the early morning hours of January 2, 2004, Sau Sun was walking around his Chelsea neighborhood, looking for discarded electronics equipment, when he encountered Carlos Dominguez. Mr. Dominguez punched Mr. Sun in the face, stabbed him in the shoulder, and then fled the scene. After Mr. Sun unsuccessfully attempted to get help, he collapsed on the street and died from a single stab wound that punctured his artery and lung.

<sup>1</sup> Board Member Soto-Abbe was present for the hearing, but was no longer a Board Member at the time of the vote. Chairman Paul Treseler recused himself from the hearing and vote, as he had prosecuted Mr. Dominguez for the governing offense.

Meanwhile, Mr. Dominguez arrived at his girlfriend's apartment, where he cleaned, and later disposed of, the murder weapon. In an interview with police two days later, Mr. Dominguez denied any involvement in the crime, stating that he had been in bed at the time of the murder. Later, he asserted that he had been chased by gang members carrying sticks, and that he stabbed one of them in the shoulder. Finally, Mr. Dominguez admitted to police that he killed Mr. Sun. After a search of Mr. Dominguez's apartment, police located the clothing he had worn the night of the crime, hidden behind a refrigerator and covered in Mr. Sun's blood.

## **II. PAROLE HEARING ON DECEMBER 11, 2018**

Carlos Dominguez, now 33-years-old, appeared before the Parole Board on December 11, 2018, for an initial hearing. He was not represented by counsel. A Spanish interpreter assisted him throughout the hearing. Mr. Dominguez declined to make an opening statement to the Board. Mr. Dominguez explained that he had moved from El Salvador to the United States as a teenager, living in Chelsea with extended family. He then joined a gang because he "felt empty" and "needed a family." Shortly before the murder of Mr. Sun, Mr. Dominguez said that he realized he was on the wrong path and chose to leave the gang.

When asked to describe the governing offense, Mr. Dominguez told the Board he was walking to his girlfriend's home, alone, at approximately 5:00 a.m., when Mr. Sun attacked him from the front with a stick slightly larger than a baseball bat. Mr. Dominguez shielded himself from the attack with his hand and then stabbed Mr. Sun in the back of the shoulder with a kitchen knife equipped with a five inch blade. Mr. Dominguez claims that he was carrying a knife because he still feared attacks from gang members. He then fled the scene, afraid, only learning that Mr. Sun had died when the police arrested him. He further explained that he (alone) had thrown away the knife and, once he arrived at his girlfriend's apartment, watched television and fell asleep. Upon questioning by the Board, however, Mr. Dominguez admitted to giving police multiple versions of the events surrounding the murder. In spite of his murder conviction, Mr. Dominguez maintains that the stabbing was in self-defense.

Board Members, however, informed Mr. Dominguez that they took issue with his version of the crime, as it directly contradicted witness statements and physical evidence presented at trial. The Board questioned Mr. Dominguez as to the evidence at trial, which supported two men chasing Mr. Sun after a confrontation, while Mr. Sun screamed for help. Mr. Dominguez denied that anyone else was present or that Mr. Sun was screaming. He further denied the evidence that the blade of the murder weapon was closer to 12 inches in length, as determined by the severity of the injury it caused. He also maintained that Mr. Sun was the aggressor, despite Mr. Sun's age and fragile state of health (due to a serious heart condition for which he had recently undergone surgery).

The Board noted that Mr. Dominguez has participated in programming, maintained employment, and worked toward his GED during his 15 years of incarceration. Mr. Dominguez stated that programming has helped him understand the pain that the family of Mr. Sun experienced as result of his actions. Mr. Dominguez stated that, even though he acted in self-defense, he takes responsibility for everything he did. When questioned about his disciplinary reports, Mr. Dominguez told the Board that he considered his most serious disciplinary infraction to be possession of a knife in 2010. He explained that the knife at issue was simply

left behind in the cell to which he had recently moved, and that it did not belong to him. When Board Members asked him to describe the injuries he sustained from reported fights in prison, Mr. Dominguez said that they were from "playing handball" and not from any disputes. Mr. Dominguez told the Board that he has changed from the person he was before. If released, he would like to move back to El Salvador to reconnect with his family. The Board noted that there is an ICE detainer lodged against Mr. Dominguez.

Suffolk County Assistant District Attorney Charles Bartoloni testified in opposition to parole. The Board also considered a written submission from Suffolk County District Attorney John Pappas in opposition to parole.

### **III. DECISION**

The Board is of the opinion that Mr. Dominguez has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Dominguez committed a brutal murder of 61-year-old Sau Sun. It is the opinion of the Board that Mr. Dominguez lacks insight and candor. His release does not meet the legal standard and is incompatible with the welfare of society.

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 into consideration Mr. Dominguez's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Dominguez's risk of recidivism. After applying this standard to the circumstances of Mr. Dominguez's case, the Board is of the opinion that Carlos Dominguez is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Dominguez's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Dominguez 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

9/4/2019  
Date