



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

CARLOS LOPEZ

W81382

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: January 9, 2018

DATE OF DECISION: October 31, 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 by unanimous vote 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 November 3, 1999, in Barnstable Superior Court, Carlos Lopez entered a guilty plea on two counts of second degree murder with the possibility of parole and one count of larceny from a person. The victims of the murders were Jose Vasquez and Wilfredo Hernandez. The two counts of murder were to be served concurrently and from and after the larceny. This was an agreed upon plea, where the original charge of first degree murder was reduced to second degree murder. On February 4, 2003, Mr. Lopez was paroled from his first state incarceration to begin serving his sentences for second degree murder.

On May 9, 1998, two bodies were discovered in the early morning hours at the American Holiday Motel in Yarmouth. One body was on the floor; the other sprawled on the bed. One individual was deceased, and the other in critical condition. The second victim died a few days later. The cause of death for both individuals was blunt force trauma to the head. Evidence developed that pointed to Carlos Lopez being the third party who stayed with the men. In a

statement to authorities, Mr. Lopez indicated that he met the two men in New York City and agreed to join them on a trip to Massachusetts. In Massachusetts, the group engaged in an electronics store scam, while staying at a hotel in Yarmouth. Mr. Lopez claimed that on the night of May 9, 1998, both men began making unwanted sexual advances towards him. He reached around, grabbed an "object" off the ground, and struck the first man in the head. The men fell off the bed. Mr. Lopez then struck the second man who fell to the floor. Mr. Lopez took money from one of the victims for bus fare back to Hartford.

Mr. Lopez fled to Puerto Rico, but was apprehended at the San Juan airport. He was extradited back to Massachusetts on July 25, 1998.

II. PAROLE HEARING ON JANUARY 9, 2018

Carlos Lopez, now 42-years-old, appeared before the Parole Board for his initial hearing on January 9, 2018. He was not represented by counsel. Mr. Lopez provided an opening statement in which he expressed his remorse for the committed offenses. The Board questioned Mr. Lopez at length about his criminal history, as well as the causative factors that led him to prison. Mr. Lopez said that he moved to Hartford, Connecticut, from Puerto Rico, at the age of 11. As school became challenging and language a barrier, he dropped out in the ninth grade. He then gravitated toward the streets and traveled to surrounding states, visiting family and friends. Mr. Lopez said that he supported himself financially by accepting money from women in bars (in exchange for sex) and by committing larcenies and robberies. Mr. Lopez also provided the Board with examples of how he lived as a pro-social member of the community.

Mr. Lopez discussed the events surrounding the murders of Mr. Vasquez and Mr. Hernandez. Around the time of the murders, Mr. Lopez had been unemployed for approximately six months. He had known Mr. Hernandez for approximately five years, but had only recently met Mr. Vasquez. On May 8, 1998, Mr. Lopez traveled to New York City Port Authority from Hartford, where he was approached by Mr. Hernandez. Mr. Hernandez asked him to accompany him to Massachusetts and introduced him to Mr. Vasquez. Mr. Lopez agreed, and the trio committed several larcenies in Boston before traveling to the Cape. After renting a hotel room, the three continued to commit the scam, by going to different stores and exchanging merchandise. When they returned to the hotel, Mr. Lopez claims he became uncomfortable when Mr. Vasquez made a sexual advance toward him, so he requested to leave. At that point, Mr. Hernandez exited the bathroom and told Mr. Vasquez to block the door. Mr. Lopez bent down, grabbed a large battery from a bag on the floor, and began to hit Mr. Vasquez on the side of the head until he collapsed on the bed. He then began to swing the battery at Mr. Hernandez, hitting him in the head several times. Mr. Lopez does not recall how many times he struck the victims. Since he had no money, he went through Mr. Vasquez's pant pockets, taking his money before fleeing. Mr. Lopez claims he was unaware that the victims were homosexual prior to the murders.

The Board questioned Mr. Lopez as to his progress in rehabilitation, as well as his level of insight and candor, in order to evaluate his parole suitability. The Board acknowledged his programming and rehabilitative efforts. Mr. Lopez is currently incarcerated at MCI-Concord, where he works in the kitchen and is pursuing his Hi-set. Mr. Lopez's programming includes: High Risk Offender, Speech Craft, Introduction to Treatment, Relapse Prevention, Introduction

to the Twelve Step Fellowship, and Alternatives to Violence. He is currently on the waitlist for the Correctional Recovery Academy. Mr. Lopez informed the Board that there is more work to be done regarding his rehabilitation.

Mr. Lopez has incurred several serious disciplinary infractions over the course of his incarceration. His last infraction occurred in 2015, for an aggravated assault on another inmate in the kitchen, resulting in a 12 month placement in the Disciplinary Detention Unit (DDU). In 2012 and 2006, Mr. Lopez was involved in an aggravated assault on another inmate, resulting in the inmate having to be treated at an outside hospital. Mr. Lopez engaged in repeated, serious incidences of violence for 15 years, resulting in several special management placements and a DDU sanction. Additionally, the Department of Correction considers Mr. Lopez a validated member of a security threat group. He disputes this information.

Cape & Islands District Attorney Michael O'Keefe submitted a letter of opposition to parole for the Board's consideration.

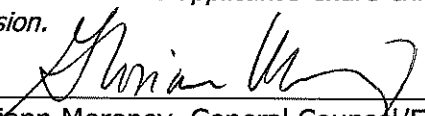
III. DECISION

The Board is of the opinion that Carlos Lopez has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He bludgeoned the two victims beyond recognition. Since his conviction, he continues to commit acts of violence. In 2015, Mr. Lopez received a 12 month DDU sanction for an aggravated assault of an inmate. Additionally, his program participation to address his causative factors has been sporadic. Mr. Lopez's presentment does not indicate rehabilitation, and he minimizes his culpability.

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. Lopez'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. Lopez's risk of recidivism. After applying this standard to the circumstances of Mr. Lopez's case, the Board is of the unanimous opinion that Carlos Lopez is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Lopez'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. Lopez 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.



Gloriana Moroney, General Counsel/Executive Director

10/31/18
Date