

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

CARLOS PANTOJA
W88679

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: March 11, 2021
DATE OF DECISION: November 17, 2021

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

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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 15, 2006, in Hampden County Superior Court, Carlos Pantoja pleaded guilty to second-degree murder in the death of 45-year-old David LePage and was sentenced to life in prison with the possibility of parole.

On the evening of May 31, 2006, David LePage was found lying face down, covered in blood, on the bike path next to 101 West Street in Springfield. The Medical Examiner determined that Mr. LePage died of multiple stab wounds and exsanguination. Specifically, there were five stab wounds and an additional three knife wounds, more consistent with defensive wounds. According to a Springfield police investigation, a witness indicated that he saw two males leaving an area on the bike path generally used for illegal dumping. The witness later identified this individual as Carlos Pantoja.

Mr. Pantoja, age 29, was questioned by police and admitted to being present on the bike path on May 31 with his co-defendant, David Castro. Mr. Pantoja also admitted that Mr. LePage was robbed of his personal property at knifepoint but denied being present for the murder. Mr. Pantoja's aunt told police that, on the evening of the murder, Mr. Pantoja and Mr. Castro came to the area where she was staying. She saw Mr. Pantoja, armed with a large knife, leave with Mr. Castro. Both men returned sometime later that night, at which time she observed Mr. Pantoja washing blood from his hands. She also saw that Mr. Castro had blood on his pants. During a second interview with Mr. Pantoja after his arrest, he indicated that both he and Mr. Castro had set out to rob someone that day. Mr. Pantoja identified Mr. Castro as the individual who stabbed Mr. LePage. With the assistance of Mr. Pantoja, police were able to recover a backpack and other personal property that were identified as belonging to Mr. LePage.

II. PAROLE HEARING ON MARCH 11, 2021

Carlos Pantoja, now 45-years-old, appeared before the Parole Board on March 11, 2021, for an initial hearing. He was not represented by counsel. In his opening statement to the Board, Mr. Pantoja said that he committed his crime "for a reason." He also stated, "If I could take it back, I would, but I did it for my family." When Board Members questioned Mr. Pantoja as to the details surrounding the governing offense, Mr. Pantoja explained that Mr. LePage had been in a romantic relationship with his sister. His sister informed him, however, that Mr. LePage was abusing both her and her daughter. After hearing this information, Mr. Pantoja told his sister that he was going to "take care of it." Upon the Board's inquiry, Mr. Pantoja admitted that the abuse allegations are what precipitated his attack on Mr. LePage. When the Board questioned Mr. Pantoja on his relationship with Mr. LePage prior to the governing offense, he said that Mr. LePage was a member of his gang, stating that "he was one of my people." As such, they were familiar with one another. Board Members pointed out that there was no evidence that Mr. LePage was gang affiliated. Although Mr. Pantoja stated that he "blacked out" during the attack, he told the Board that he remembers stabbing Mr. LePage approximately 9-10 times.

Initially, Mr. Pantoja blamed his codefendant for Mr. LePage's murder, admitting that he did not want to face consequences for his actions. Several years after his conviction, he accepted full responsibility. Board Members expressed their concern that Mr. Pantoja appeared to lack remorse for his crime. When asked whether he's sorry for what he did, Mr. Pantoja stated, "Not really." Board Members noted that Mr. Pantoja appeared to justify his actions, as he maintained that Mr. LePage was a danger to his sister and niece and, if he didn't "handle it," no one else would. Board Members also stated that there was no evidence that supports the abuse allegations. When asked if he could provide insight, Mr. Pantoja admitted that he did not share that information with anyone until recently.

The Board addressed Mr. Pantoja's problematic institutional adjustment, noting a significant number of disciplinary infractions, as well as an extensive criminal history. Mr. Pantoja acknowledged that his adjustment has been poor, naming his gang affiliations as the contributing factor to his criminal behavior while incarcerated. He claimed that he "wants" to stay out of trouble, but "it's too hard." Upon questioning, he admitted to being a certified member prior to the governing offense and at the onset of his incarceration. Mr. Pantoja claimed, however, that he was no longer a validated member. Board Members noted that the Department of Correction continues to recognize his gang affiliation. Board Members also raised concern as to whether Mr. Pantoja has truly committed himself to rehabilitation since his institutional record indicates otherwise. Ultimately, the Board expressed their concern that Mr. Pantoja has yet to fully renounce his gang affiliation and noted his lack of rehabilitative programming. In addition, he has not received his GED or completed any vocational training.

Mr. Pantoja agreed that he needs to put forth a greater effort towards rehabilitation, stating that he "knows what to do."

A Victim Services Unit staff member read a written statement from Mr. LePage's sister in opposition to parole. The Board also considered testimony in opposition to parole from Hampden County Assistant District Attorney Howard Safford.

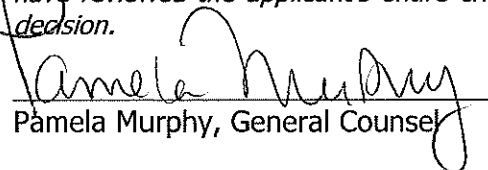
III. DECISION

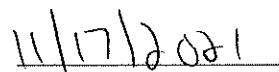
Mr. Pantoja has served 15 years for the murder of David LePage. Since his incarceration, he has been convicted of two additional crimes, including assault and battery on a correctional officer and has incurred over 50 disciplinary reports. Mr. Pantoja has an extensive criminal history of violence and is considered an active member of a Security Threat Group by the Department of Correction. Mr. Pantoja justified the killing by indicating he did it for his family. He will require extensive commitment to rehabilitation for consideration of release to parole supervision, as he has made minimal efforts to rehabilitate himself.

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

Mr. Pantoja'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. Pantoja to continue working toward 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


Date