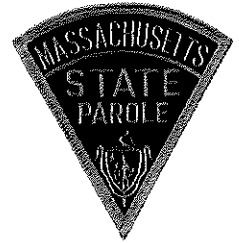


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

CESAR POLANCO
W89590

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 22, 2024**

DATE OF DECISION: **December 4, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted on/after 2 weeks from issuance of Decision to ICE.¹

PROCEDURAL HISTORY: On March 28, 2007, in Essex Superior Court, Cesar Polanco pleaded guilty to second-degree murder in the death of 25-year-old Judith Guevara and was sentenced to life in prison with the possibility of parole. Parole was denied following an initial hearing in 2021. On August 22, 2024, Mr. Polanco appeared before the Board for a review hearing. He was represented by Harvard PLAP Student Attorney Isabelle Thorpe under the supervision of Attorney John Fitzpatrick. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Polanco's August 22, 2024 hearing.

STATEMENT OF THE CASE: On October 26, 2006, Cesar Polanco, age 41, called Lawrence police and informed them that he killed Judith Guevara. Mr. Polanco and Ms. Guevara had lived together in an apartment they shared with their 16-month-old daughter and Ms. Guevara's 5-year-old son from a previous relationship. In addition, Ms. Guevara was approximately one month pregnant. That evening, Mr. Polanco and Ms. Guevara argued about him going out to drink. The argument turned physical, and Mr. Polanco beat Ms. Guevara to death. Ms. Guevara's son witnessed Mr. Polanco beating his mother. Mr. Polanco told police that, before he killed her, Ms.

¹ One Board Member voted to deny parole and place the matter on the next available list; One Board Member voted to deny parole with a review in 2 years.

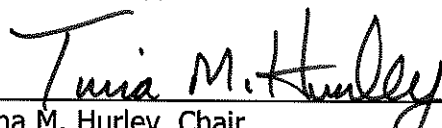
Guevara struck him and threatened him with a knife. Ms. Guevara sustained massive facial injuries and was pronounced dead at the hospital. The cause of death was determined to be homicide by blunt force trauma and aspiration of blood.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: Mr. Polanco presented for the second time before the Board. Since the last hearing, he continued programming and completed Family Violence, Restorative Justice Retreat, Victim Impact, Violence Reduction, Criminal Thinking, and Path to Freedom. Mr. Polanco's adjustment has been positive and his LSCMI is low. Mr. Polanco expressed remorse for his actions and reminded the Board that he called the police himself following the offense and confessed. Mr. Polanco has invested in addiction treatment and has maintained sobriety since the offense. Mr. Polanco has a significant support system in the United States and Dominican Republic. The Board considered the support of Mr. Polanco's sister, daughter, and friend. The Board considered opposition from the Essex County ADA Kristen Jiang.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 weeks; Supervise for drugs with testing in accordance with agency policy; Supervise for liquor abstinence with testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and follow recommendations; Must have mental health counseling for adjustment and interpersonal relationships; ICE detainer.

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.


Tina M. Hurley, Chair

12/4/24
Date