

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

CESAR POLANCO

W89590

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 31, 2021

DATE OF DECISION: July 6, 2022

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 scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

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.

On October 26, 2006, Cesar Polanco, age 41, called Lawrence police and informed them that he had killed Judith Guevara. Mr. Polanco and Ms. Guevara 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. 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.

II. PAROLE HEARING ON AUGUST 31, 2021¹

Cesar Polanco, now 57-years-old, appeared before the Board for his initial hearing on August 31, 2021. He was not represented by counsel.² Mr. Polanco was born in the Dominican Republic and reportedly lived a violence-free life until his move to New York at age 20. He then began to engage in "delinquent behavior," which led to several arrests. Mr. Polanco is the father of six children, including his child with Ms. Guevara. Mr. Polanco explained that he committed the murder, in part, because he was under the influence of alcohol and cocaine. He claims to have learned that Ms. Guevara was pregnant only after his arrest. Mr. Polanco further denied any history of violence toward Ms. Guevara, telling the Board that they had planned to marry. The Board highlighted the significant injuries that Mr. Polanco inflicted upon Ms. Guevara and inquired as to why he had become so enraged. When Mr. Polanco was unable to fully articulate a motive for the murder, the Board noted their concern. Mr. Polanco told the Board that the murder was an anomaly, claiming that he had never (before or since) been violent with a romantic partner.

The Board acknowledged Mr. Polanco's completion of multiple programs, including CRA, Restorative Justice, and Alternatives to Violence. He is on the waitlist for additional programs and is working toward his GED. Board Members stated that Mr. Polanco's sobriety is significant to his rehabilitation, as he cited drugs and alcohol as the trigger to the murder. Mr. Polanco stated that he has maintained sobriety and attends AA/NA in conjunction with CRA. There is an order of deportation to the Dominican Republic in place for Mr. Polanco, should he be released from custody. He stated that he has the support of family in the Dominican Republic, who have assisted him in developing a reentry plan. In his closing statement, Mr. Polanco apologized to the victim's family, stating that he accepts responsibility for Ms. Guevara's death.

Members of Mr. Polanco's family testified in support of parole. The Board also considered testimony, and a letter of opposition, from the Essex County District Attorney's Office.

III. DECISION

The Board is of the opinion that Cesar Polanco has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Polanco has served 15 years for the murder of his 25-year-old pregnant girlfriend Judith Guevara. The victim's 5-year-old son was present at the time of the offense. Despite participation in numerous programs, he is unable to explain the reason for the level of rage he exhibited on October 26, 2006. He presented as having very little insight as to why he took the victim's life. His explanation of the offense is inconsistent with the evidence of injuries sustained by the victim. He is encouraged to maintain a positive adjustment to include programming to gain further insight and victim empathy. He should also continue working on trying to obtain his GED.

¹ The entire video recording of Mr. Polanco's August 31, 2021 hearing is fully incorporated by reference to the Board's decision.

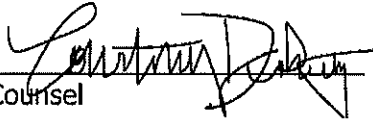
² Mr. Polanco was assisted by a Spanish language interpreter throughout the hearing.

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

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

/s/ Pamela Murphy p.p.
Pamela Murphy, General Counsel



7/6/22
Date