

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

**Charles D. Baker**  
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**Karyn Polito**  
*Lieutenant Governor*

**Terrence Reidy**  
*Secretary*

*Telephone: (508) 650-4500*

*Facsimile: (508) 650-4599*

**Kevin Keefe**  
*Executive Director*

**DECISION**

**IN THE MATTER OF**

**CHARLIE MONTIJO**

**W91675**

**TYPE OF HEARING:** **Initial Hearing**

**DATE OF HEARING:** **June 30, 2022**

**DATE OF DECISION:** **November 7, 2022**

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, 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 the 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 four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On March 10, 2008, in Hampden Superior Court, Charlie Montijo pleaded guilty to the second-degree murder of Kanchan Patel and was sentenced to life in prison with the possibility of parole.

On Monday, September 12, 2005, Springfield police officers, as well as officers assigned to the Massachusetts State Police Community Action Team, responded to an armed robbery at Summit One Stop Package Store in Springfield. At approximately 8:40 p.m., three armed and masked males entered the store and announced that a robbery was taking place. One customer saw one of the males when he pulled up his mask, exposing his face. The customer exited the store and called police. When officers arrived on scene, they observed the store clerk, later identified as Kanchan Patel, lying on his back across the entrance to the package store. The victim appeared to have sustained multiple gunshot wounds.

What appeared to be a black pistol, or replica type "BB" pistol, was lying on the floor approximately four feet inside the doorway. A search of the interior of the store located a second employee, who had been hiding in the basement. The victim was transported to the hospital by emergency medical personnel. Following an extensive police investigation, Charlie Montijo was arrested on a warrant for murder, as well as armed assault with intent to rob on September 20, 2005.

## **II. PAROLE HEARING ON JUNE 30, 2022<sup>1</sup>**

Charlie Montijo, now 38-years-old, appeared before the Parole Board for his initial parole hearing on June 30, 2022. He was not represented by counsel. Mr. Montijo expressed his remorse for the crime. He admitted, however, that his institutional record has been marred with violence. Mr. Montijo explained that he first was involved with the law at 12-years-old, after receiving probation for burning down an abandoned house. He joined his brother's street gang at age 17, and was involved in fistfights, stealing cars, and breaking into houses. Mr. Montijo received multiple convictions for these crimes. When the Board questioned him about the governing offense, Mr. Montijo claimed that a 15-year-old girl accused the liquor store clerk of making sexual advances when she tried to buy cigarettes. Members of his gang, as well as members of an affiliated gang, decided to rob the liquor store and murder the clerk. When another gang member handed him the gun, Mr. Montijo shot the clerk. He later pleaded guilty to the murder.

Board Members were particularly concerned that Mr. Montijo has incurred multiple disciplinary reports for violent assaults on other inmates and staff. Mr. Montijo told the Board that when he first came to prison, he "didn't know the rules" and ended up in fights with other gang members. Mr. Montijo claimed that he was defending himself in most of these altercations. In other altercations, however, he was ordered to fight by his gang. When Mr. Montijo explained that he has been trying to disassociate since 2014, Board Members noted that he had recently been found in possession of gang paraphernalia in his cell. Mr. Montijo responded that his cousin is serving a life sentence and was still involved in gang life. Mr. Montijo told the Board he had paperwork about gang activities in order to look out for his cousin.

The Parole Board noted that Mr. Montijo has availed himself of only limited programming and employment during his incarceration. Mr. Montijo stated that he had been transferred to a prison out of state, where programming was limited, and employment was impossible, for inmates serving a life sentence. When Board Members discussed the possibility of transferring back to Massachusetts to access such opportunities, Mr. Montijo agreed that it would be beneficial.

One of Mr. Montijo's family members testified in support of parole.

## **III. DECISION**

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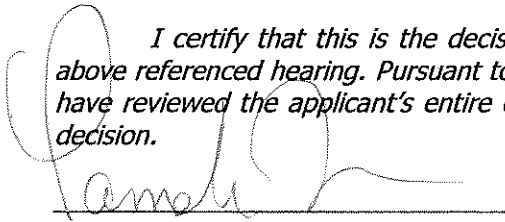
<sup>1</sup> The entire video recording of Mr. Montijo's June 30, 2022 hearing is fully incorporated by reference into the Board's decision.

The Board is of the opinion that Charlie Montijo has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On September 12, 2005, 21-year-old Charlie Montijo and four co-defendants participated in the shooting death of Kanchan Patel, 48-years-old. Mr. Montijo was the shooter. Since his incarceration, Mr. Montijo has had an extremely poor adjustment and has yet to renounce his STG (Security Threat Group) affiliation. Mr. Montijo has accrued approximately 60 disciplinary reports, many of which involve serious, violent assaults on inmates and correctional staff. He has multiple DDU placements. Shortly before this hearing, Mr. Montijo violently assaulted another inmate while in a transport van. He recognizes he has work to do to address his anger issues. The Board believes Mr. Montijo has to significantly improve his adjustment before he can meaningfully engage in rehabilitative programming. The Board encourages Mr. Montijo to pursue employment opportunities and focus on becoming a more productive inmate.

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

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

11/7/22

Date