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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

DANIEL MENDOZA

W62695

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 6, 2013

DATE OF DECISION: August 12, 2013

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall. Board Members Cesar Archilla and Sheila Dupre were determined to be unavailable for this case and, accordingly, did not attend the hearing or participate in the decision. G.L. c. 127, § 133A; 120 C.M.R. 301.06(1)(a).

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, Mendoza's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that Daniel Mendoza is a suitable candidate for parole at this time. Parole is granted to a long-term residential program, after twelve months of transitional incarceration in lower security, during which Mendoza must maintain good conduct and comply with all expectations of the Department of Correction for programs and activities.

I. STATEMENT OF FACTS

Daniel Mendoza, together with his friends Johnny Sustache and Christian Santiago, were members of Neta, a street gang in Springfield. On August 25, 1996, Sustache and Santiago attended a party in Chicopee. There the two men encountered members of the Latin Kings and La Familia, both rival street gangs. Sustache and Santiago were taunted by their rivals and ultimately expelled from the party.

Sustache and Santiago returned to Springfield and there encountered Mendoza, who was 16 years old at the time. The three men, stung by the treatment of Santiago and Sustache by the rival gang members, decided to return to Chicopee to exact revenge. After arming

themselves with handguns, they drove back to Chicopee with Sustache at the wheel of a borrowed automobile. When they reached the site of the party, Mendoza and Santiago left the vehicle, approached their rivals, and opened fire. Jason Foster, 18 years old, was killed by a single shot to the back. Jermain Hunter, 19 years old, was shot three times in the legs but recovered from his wounds.

After a brief investigation, Sustache, Santiago and Mendoza were arrested. Initially, Mendoza gave police a false exculpatory version of events. However, after being confronted by numerous witness statements, Mendoza confessed to being involved in the shooting. He later pleaded guilty in Superior Court to second-degree murder, assault and battery with a dangerous weapon, and unlawful possession of a firearm. He was sentenced to serve life in prison.

Christian Santiago pleaded guilty to second-degree murder and received parole after his 2011 hearing. Johnny Sustache pleaded guilty to manslaughter and completed a nine to ten year sentence. The surviving victim, Jermain Hunter, is currently incarcerated on a life sentence for an unrelated second-degree murder.

II. PAROLE HEARING ON AUGUST 6, 2013

Daniel Mendoza appeared for his second parole hearing after receiving a denial in 2011 with a two-year setback. In considering the denial, Mendoza said, "I wasn't truly ready in 2011; I am now better prepared." He explained that he had been "running a store" in the institution which led to disciplinary reports for possession of unauthorized items in 2010 and 2011. At the 2011 hearing, Parole Board members remarked that the unauthorized canteen operation showed a remnant of criminal thinking. Mendoza said that he now understood and agreed with that view, that he was wrong to violate institutional rules, and that community supervision requires him to accept all the rules of parole.

Parole Board members were interested in Mendoza's recent activities in prison, his transition (over a decade ago) from a poor inmate to a model inmate, his character development during incarceration, and his plans for succeeding in the community. Mendoza said that he recently completed a 14-month culinary arts program in which he received a Serv Safe certificate and then remained involved as a trainer. He attends Menswork weekly, and described it as a meaningful program "because it brings together everything I learned from other programs." The program facilitator wrote a letter documenting Mendoza's active and productive participation in the program for the past five years. He works daily in the kitchen.

Mendoza was a Neta gang member in Springfield and he continued that affiliation in prison which led to considerable misconduct in the first five years of his sentence. By 2002, however, he had renounced membership and completed the Spectrum security threat group program which required placement in a specialized residential unit for six months. The Spectrum program covered the lessons of the Correctional Recovery Academy as well as specific gang withdrawal programming. Mendoza continued with programs after completing Spectrum. He said that Emotional Awareness helped him identify the causes of his anger, which mostly concerned his placements in foster homes. He also cited the importance of Alternatives to Violence, which he said "taught me conflict resolution; how to think about what is really going on and how to respond without reacting violently." Mendoza obtained his GED in 2004. He does not have substance abuse or mental health issues.

In describing his positive institutional conduct, Mendoza noted that he limited his associations to inmates who were also involved in programs and staying out of trouble. He described his thoughts about rehabilitation: "for someone to change, you have to realize you need help; it's a long process to change when its ingrained from childhood; the programs are essential to real change; they help you learn about yourself and how to change."

Several family members attended the hearing and Mendoza's sister spoke on their behalf in support of parole. He has relatives in Springfield and Connecticut who would provide a positive support network. Hampden Assistant District Attorney Deborah Ahlstrom attended the hearing and assisted the Board by providing information in advance of the hearing.

III. DECISION

Daniel Mendoza committed a gang-related murder at age 16 and continued his gang affiliation during the early years of his incarceration. Beginning in 2001, however, he made a concerted effort to withdraw from gang affiliation and reform his thinking and conduct. His dramatically improved institutional behavior reflects his commitment to reform. He used programs effectively to determine the cause of his anger and reduce his capacity for violence. He has advanced his rehabilitation with continued participation in programs to develop pro-social thinking and conduct. He has supplemented that program work with culinary vocational training in which he has acquired skills and achieved Serv Safe certification. He has compiled over a decade of positive, non-violent institutional behavior. At his hearing, Mendoza demonstrated the results of his work by describing his path to reform which relied on personal commitment, programs, and affiliating with other positive inmates. Mendoza is rehabilitated and the Parole Board concludes that the four goals of sentencing – punishment, deterrence, rehabilitation, and public protection – have been met.

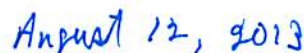
The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." Applying that appropriately high standard here, the Board is of the opinion that, in light of his successful rehabilitative efforts, Daniel Mendoza is suitable for parole. Parole is granted to a long-term residential program after twelve months of transitional incarceration in lower security.

SPECIAL CONDITIONS: Parole to a long-term residential program after twelve months in lower security; no drug use; no alcohol use; counseling for adjustment issues for at least one year; curfew between 10:00 p.m. and 6:00 a.m. for at least one year (with hours adjustable at parole officer discretion); no contact with the victims' families.

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.



Josh Wall, Chairman



Date