

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

DANIEL ORTEGA
W102429

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **April 27, 2023**

DATE OF DECISION: **July 26, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On April 5, 2013, in Middlesex Superior Court, Daniel Ortega pleaded guilty to murder in the second degree and was sentenced to life imprisonment with the possibility of parole. On April 30, 2008, Mr. Ortega, along with a co-defendant, participated in the shooting death of 29-year-old Denis Osorio in Lowell.

Mr. Ortega appeared before the Parole Board for his initial hearing on April 27, 2023. He was not represented by counsel. The entire video recording of Mr. Ortega's April 27, 2023 hearing is fully incorporated by reference into the Board's decision.

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.

The Board is of the opinion that Daniel Ortega has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Parole denied, two year review. On May 3, 2008, Daniel Ortega was arrested by Lowell Police in connection with the shooting death of Denis Osorio. On April 5, 2013, he pled guilty to second degree murder. Mr.

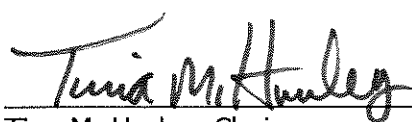
Ortega presented for his initial hearing on 4/27/2023. Mr. Ortega was serving his sentence in Montana at the time of the hearing for safety reasons. Mr. Ortega recently admitted to being the shooter, despite years of denying responsibility. He has committed two serious offenses while incarcerated in/about 2013. He has a total of 9 D-Reports, most recent D-Report in 2023, and remains listed STG. Mr. Ortega has made strides in his rehabilitation and presented as invested in taking a more serious look at his need areas. He has increased his program/course participation and vocational skills training. Mr. Ortega has also started to explore the relationship between his own trauma history and his dysfunctional and violent behavior. Mr. Ortega stated he is motivated to continue to pursue rehabilitative programs that will assist in addressing his trauma history, promote positive conflict resolution skills, and victim empathy.

Mr. Ortega had one individual speak in support. The Middlesex Assistant District Attorney spoke in opposition, emphasizing concerns with minimization, lack of counseling, and need to formally renounce from gang.

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." 120C.M.R.300.04. In forming this opinion, the Board has taken into consideration Mr. Ortega'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. Ortega's risk of recidivism. After applying this standard to the circumstances of Mr. Ortega's case, the Board is of the unanimous opinion that Mr. Ortega is not yet rehabilitated and, therefore, does not merit parole at this time.

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



Tina-M. Hurley, Chair

07/26/2023

Date