



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Paul Treseler
Chairperson

Michael J. Callahan
Executive Director

**DECISION
IN THE MATTER OF**

DANIEL PINA

W82508

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: October 27, 2015
DATE OF DECISION: December 22, 2015

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Sheila Dupre, Tonomey Coleman, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 October 2, 2003, in Suffolk Superior Court, Daniel Pena pled guilty to the second degree murder of Domingo Mejia. Subsequently he was sentenced to life in prison, with the possibility of parole. Mr. Pina is currently 40 years old.

On the day of Mr. Mejia's death, July 7th 1997, Mr. Pina and an acquaintance, Mahdi Sharpless, devised a plan to rob a taxi cab driver. Mr. Pina armed himself with a firearm and both men hailed a cab being operated by Mr. Mejia. Mr. Pina and Mr. Sharpless entered Mr. Mejia's cab in the area of Upham's corner, in the Dorchester neighborhood of Boston. At their direction, Mr. Mejia drove both men to the area of Malcolm X Park, located in the Roxbury neighborhood of Boston. When the cab pulled onto a deserted side street, Mr. Sharpless attempted to rob Mr. Mejia. When a struggle ensued, Mr. Sharpless told Mr. Pina to shoot Mr. Mejia. Mr. Pina fired one round at Mr. Mejia, hitting him in the neck. Mr. Pina and Mr.

Sharpless then fled the scene as Mr. Mejia struggled to exit the cab. Mr. Mejia collapsed on the street and succumbed to his wounds later that day. The bullet fired by Mr. Pina had severed his carotid artery and jugular vein.

II. PAROLE HEARING ON OCTOBER 27, 2015

Mr. Pina came before the Parole Board on October 27, 2015 for an initial hearing. Mr. Pina was represented by Student Attorney Elizabeth Breen during his appearance before the Board. Presently, a deportation order from the Immigration and Customs Enforcement Agency is lodged against Mr. Pina, for his return to Cape Verde.

Mr. Pina gave an opening statement to the Board, in which he apologized for his actions. During the course of the hearing, he spoke about the day of the murder. The Board notes that portions of Mr. Pina's testimony differ greatly from the facts gathered during the criminal investigation into the murder of Mr. Mejia.

According to Mr. Pina, the murder of Mr. Mejia occurred late at night. Mr. Pina reported to the Board that he had been drinking and smoking marijuana earlier that evening. After meeting up with Mr. Sharpness, Mr. Pina proposed the idea of committing a robbery. He explained to the Board that he needed more money to continue partying. At the time, Mr. Pina owned a gun which he claimed he had purchased from a friend for self-protection. After he and Mr. Sharpless retrieved the gun from an abandoned car lot where Mr. Pina stored it, both men flagged Mr. Mejia's cab down in the area of Blue Hill Avenue. Mr. Pina sat in the front passenger seat while Mr. Sharpless sat in the rear.

Mr. Pina instructed Mr. Mejia where to drive, purposefully directing him to a dead end street. According to Mr. Pina he then removed his pistol and told Mr. Mejia to hand over his money. Mr. Mejia then reached for an unknown object, at which point Mr. Pina shot him. The cab, which was still moving at this time, crashed into a fence. Prior to fleeing the scene, Mr. Pina removed \$30 from Mr. Mejia's person. Mr. Pina disposed of the firearm and his clothing in the Charles River.

Mr. Pina was not arrested until 3 years later. During the interim period, Mr. Pina reported to the Board that he started drinking heavily and continued to smoke marijuana. He was, however, able to maintain full time employment during this time.

Mr. Pina believes that his substance abuse and emotional issues were contributing factors to his crime. Mr. Pina expressed his belief to the Board that his institutional programming and sobriety has helped him to progress over the course of his incarceration. When asked about his future plans if he was released, Mr. Pina stated that he has a strong support network in Cape Verde, should he be deported. Mr. Pina has placed his name on waiting lists at residential treatment centers in Boston, in the event his deportation is delayed and he is allowed to return to the Boston area.

In addition to Mr. Pina, the Board also received live testimony from numerous witnesses, both in support of and in opposition to Mr. Pina's petition for parole. The Board considered testimony from members of Mr. Pina's family. The Board also noted the presence of friends and/or family who appeared in support of Mr. Pina, but who did not testify. Testimony from members of Mr. Mejia's family and the Suffolk County District Attorney's Office was also taken under consideration. ADA Charles Bartoloni testified on behalf of the district attorney's office.


III. DECISION

The Board is of the opinion that Mr. Pina has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming would be beneficial to Mr. Pina's rehabilitation.

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. Pina'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 whether risk reduction programs could effectively minimize Mr. Pina's risk of recidivism.

After applying this standard to the circumstances of Mr. Pina's case, the Board is of the opinion that Mr. Pina is not yet rehabilitated and therefore does not merit parole at this time. Mr. Pina's next appearance before the Board will take place in four years from the date of the initial hearing related to this decision. During the interim, the Board encourages Mr. Pina 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.


Michael J. Callahan, Executive Director


Date