

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**DAVID MENDOZA**

**W58065**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** February 22, 2018

**DATE OF DECISION:** November 26, 2018

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

**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 five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On February 21, 1995, in Hampden Superior Court, David Mendoza pleaded guilty to two counts of second degree murder for the death of his wife Sara Acevedo and their three-year-old daughter Carmen Mendoza. He was sentenced to two consecutive life sentences with the possibility of parole.

On July 20, 1992, in Springfield, David Mendoza (age 25) had been arguing with his wife Sara Acevedo (age 24) when someone called the police. When the police arrived, they found three-year-old Carmen Mendoza with a stab wound in her chest, in the kitchen, and Sara Acevedo with multiple stab wounds, in the bedroom. Ms. Acevedo had five young children; four were home at the time of the murder. Ms. Acevedo's four-year-old daughter witnessed the murders

and provided a report to police. Mr. Mendoza had stabbed himself in the arm and was taken to the hospital, where he was later arrested for the murders.

## **II. PAROLE HEARING ON FEBRUARY 22, 2018**

David Mendoza, now 50-years-old, appeared before the Parole Board for a review hearing on February 22, 2018. Mr. Mendoza was represented by Attorney Frank Spillane. Mr. Mendoza was denied parole after his initial hearing in 2007, and after his review hearing in 2012. In his opening statement to the Board, Mr. Mendoza admitted to stabbing the victims and apologized to their family. When Board Members asked Mr. Mendoza whether he understood why he had previously been denied parole, Mr. Mendoza claimed that, at the last hearing, he did not remember the murders and was not "owning up" to the crime. Board Members asked Mr. Mendoza if, during the seven years he was with Ms. Acevedo, and despite what witnesses have reported, he still claimed there were no instances of domestic violence. Mr. Mendoza told the Board that if he hit his daughter, he would say so, "but I can't own up to it because I never did." When the Board questioned Mr. Mendoza as to whether he ever abused his children, he said, "No. At times, I would take a belt and hit them with a belt, but I never punched or kicked them." Later in the hearing, Mr. Mendoza said he would sometimes make his children kneel on rice as punishment, just as his mother had made him kneel on a cheese grater as punishment. When the Board asked if his children were afraid of him, Mr. Mendoza admitted that they were, as they had seen him yelling, as well as slamming and throwing things.

Mr. Mendoza explained that leading up to the murder, he had uncontrollable rage due to untreated bipolar personality disorder. When Board Members questioned him as to whether he claims that the murders were due to his bipolar personality disorder, Mr. Mendoza explained that his frame of thought had contributed to the murder. Prior to the murders, he had been arguing with his wife about money, and she had accused him of being controlling. Due to these arguments, Mr. Mendoza stated that he murdered his wife and daughter in a fit of anger and rage. The Board noted that witnesses stated that Mr. Mendoza was abusive and controlling. When asked why he had stabbed his wife 32 times, Mr. Mendoza said that he "just snapped." The Board noted that according to police reports, in the hours before the murder, Ms. Acevedo told neighbors that Mr. Mendoza had threatened to kill her and the children. These reports also showed that Ms. Acevedo told another neighbor she was worried that her husband was going to kill her and wanted a restraining order. Mr. Mendoza, however, claimed that he did not know his wife was thinking of a restraining order. He said that prior to the murders, his wife was upstairs at her mother's apartment. He made her come downstairs to scold her for the house being a mess, even though he knew it wasn't. Mr. Mendoza said he did this just to get into an argument with her.

The Board noted that Mr. Mendoza was not currently involved in many programs and asked why he had stopped going to Alternatives to Violence. Mr. Mendoza claims that he dropped out of Advanced Alternatives to Violence in order to prepare for the parole hearing. Mr. Mendoza stated, however, that he completed many of the programs he was advised to take. He said that he has learned to identify triggers and de-escalate violent confrontations through Correctional Recovery Academy and Alternatives to Violence. He said that he also attends church and Bible Studies weekly, and sees a therapist for bipolar disorder three times a month.

Mr. Mendoza's father and sister testified in support of parole. Hampden County Assistant District Attorney Howard Safford testified in opposition to parole.

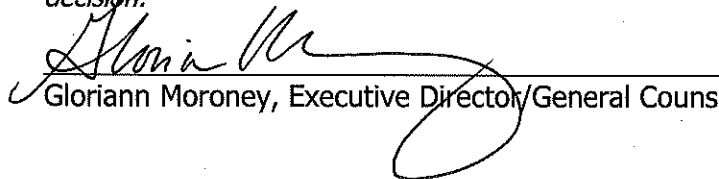
### **III. DECISION**

The Board is of the opinion that David Mendoza has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. David Mendoza stabbed his wife 32 times and stabbed his three-year-old child in the heart. He is not rehabilitated and would be a very dangerous person to have in the community.

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. Mendoza's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also has considered whether risk reduction could effectively minimize Mr. Mendoza's recidivism. After applying this standard to the circumstances of Mr. Mendoza's case, the Board is of the unanimous opinion that Mr. Mendoza's release is not compatible with the welfare of society. Mr. Mendoza, therefore, does not merit parole at this time.

Mr. Mendoza's next appearance before the Parole Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Mendoza 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.*

  
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Gloriann Moroney, Executive Director/General Counsel

11/20/18  
Date