



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

Thomas A. Turco III  
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney  
Chair

Kevin Keefe  
Executive Director

**DECISION**

**IN THE MATTER OF**

**GEORGE ARROYO**

**W89863**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** May 23, 2019

**DATE OF DECISION:** March 3, 2020

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, 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 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 May 9, 2007, in Essex Superior Court, George Arroyo pleaded guilty to second-degree murder in the death of 17-year-old Jorge Martinez and was sentenced to life in prison with the possibility of parole. Mr. Arroyo later filed a motion to withdraw his guilty plea, which was denied. The denial of this motion was upheld on appeal.<sup>1</sup>

On the afternoon of June 21, 2004, George Arroyo (age 19) was driving with his friend, Jorge Martinez, in Lawrence, when they observed a group of individuals with whom Mr. Arroyo had some problems. Mr. Arroyo pulled over, and Mr. Martinez got out to have a discussion with one of the individuals. Meanwhile, one of the men with whom Mr. Arroyo had a problem (who was the intended target of the eventual shooting) engaged in an argument with him. Mr. Arroyo

<sup>1</sup> *Commonwealth v. Arroyo*, 81 Mass. App. Ct. 1110 (2012).

told the man that he wanted to fight and, when Mr. Martinez returned to the car, Mr. Arroyo and Mr. Martinez drove away to retrieve a gun. About 10 to 15 minutes later, both men returned and got out of the car, but separated from one another. Over the course of a few minutes, Mr. Arroyo walked to a street where he observed a crowd of people that included the man with whom he had the argument. Unbeknownst to Mr. Arroyo (and during the time he had been separated from his friend), Mr. Martinez walked to the same street and into the same crowd of people. Mr. Arroyo fired his gun in the air, at which time the crowd of people attempted to take cover. Mr. Arroyo then fired his gun three times down the street in the crowd's direction; the third bullet struck Mr. Martinez in the chest, killing him.

Mr. Arroyo fled the scene and discarded the gun, which was never recovered. He was arrested shortly thereafter. At the police station, Mr. Arroyo denied his involvement in the shooting. He further denied his presence in the area or in knowing Mr. Martinez. After police informed him that Mr. Martinez had died, however, Mr. Arroyo told them that he had retrieved a gun and returned to the area, following an altercation. He reported several different versions of the events to police, including a version where the gun fired as he was putting it back in his pocket.

## **II. PAROLE HEARING ON MAY 23, 2019**

George Arroyo, now 35-years-old, appeared before the Parole Board on May 23, 2019, for an initial hearing. He was represented by Attorney John Rull. In his opening statement to the Board, Mr. Arroyo apologized to the Martinez family for his "reckless" actions that ended the life of his best friend. He acknowledged that the shooting caused terror in his community, stating that he hopes to make amends by living a more positive life. Mr. Arroyo told the Board that, as a misguided adolescent without a father figure, he turned to the wrong people in his neighborhood to learn "how to be a man." He began using marijuana at age 9, and was smoking daily by age 13. He believed that he could only "earn respect" from others through violence. He began carrying a firearm both for his protection and to prove he was tough. Up until the day of the murder, Mr. Arroyo had only fired a gun in the woods.

On the day of the governing offense, Mr. Arroyo told the Board that he and Mr. Martinez were driving around, smoking marijuana. They pulled over to confront the intended target and his brother, men with whom they had encountered "neighborhood problems." When Board Members questioned him as to the nature of the problems, Mr. Arroyo replied that he couldn't remember, only that they were "immature" and insignificant issues. After Mr. Martinez and (the intended target's) brother had words, the intended target approached Mr. Arroyo in his car and pulled a knife on him. Mr. Arroyo then left the scene to retrieve his gun from his house. Mr. Arroyo claimed that, upon his return, he intended to "scare" the intended target and his group with the gun. When Board Members questioned Mr. Arroyo as to whether he intended to kill anyone, he claimed that he had not. Rather, he wanted the group to know that he had a gun. Mr. Arroyo then admitted, however, that he was aware he would likely harm someone when he aimed the gun, where he saw the most people, and fired it repeatedly. Mr. Arroyo agreed with the Board that the first statements he gave to police were dishonest. He was shocked to learn that he had shot and killed his best friend.

The Board questioned Mr. Arroyo as to his understanding of why his crime constituted murder, as opposed to a lesser offense. Mr. Arroyo responded that after about "eight or nine years" of incarceration, he finally grasped why his actions met the elements of murder. Mr. Arroyo told the Board that others had influenced him to file appeals, but now, he accepts the reality of his crime. He further acknowledged that, had he injured the intended target instead of his best friend, his actions would be just as inexcusable.

Board Members discussed Mr. Arroyo's initial institutional adjustment, during which time he incurred dozens of disciplinary reports. Although he was not disciplined for all of the infractions, Mr. Arroyo told the Board that he brought the same immature, ignorant mindset he had used on the street to his early years of incarceration. The Board noted that Mr. Arroyo participated in some programming in the last decade, achieved his GED in 2014, and has committed to significant program engagement from 2017 through the present. Still, the Board explained that it was troubled by Mr. Arroyo's (relatively recent) expulsion from the Correctional Recovery Academy and the Barber Training program. Mr. Arroyo agreed that this was problematic, but claims that he has taken steps to address the setback by signing up again for these programs and others.

Mr. Arroyo's mother, grandmother, cousin, and two aunts testified in support of parole. The Board also considered additional letters in support of parole. A representative from the Victim Services Unit read a statement of forgiveness from Mr. Martinez's mother. Essex County Assistant District Attorney Elin Graydon testified and submitted a letter in opposition to parole.

### **III. DECISION**

The Board is of the opinion that George Arroyo has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Arroyo shot and killed his best friend Jorge Martinez when he recklessly fired his weapon into a crowd. He has incurred numerous disciplinary infractions during this commitment. Additionally, he was terminated from the CRA (Correctional Recovery Academy) program in November 2018.

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

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

  
Date