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Paul M. Treseler
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DECISION

IN THE MATTER OF

GEORGE ORTIZ

W48835

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 25, 2016**

DATE OF DECISION: **December 19, 2016**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, and 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 the 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 three years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 1, 1990, in Suffolk Superior Court, George Ortiz pled guilty to the second degree murder of 28-year-old John Stephens.¹ Mr. Ortiz was sentenced to life in prison with the possibility of parole, after serving 15 years. At the time of the murder, Mr. Ortiz was 32-years-old.

On March 3, 1990, George Ortiz, John Stephens, and another homeless individual were drinking outside a building on Harrison Avenue in Boston. After a dispute over a bottle of vodka arose between Mr. Stephens and the other individual, Mr. Ortiz involved himself in the argument and stabbed Mr. Stephens in the chest. Although Mr. Stephens moved away from him, Mr. Ortiz continued to stab Mr. Stephens before running from the scene. The victim collapsed in the street and was taken to Boston City Hospital. He later succumbed to multiple

¹ Previous Board Decisions reflect the victim was also known as Shawn O'Neil.

stab wounds. Mr. Ortiz turned himself in later that day and was arrested for the murder of Mr. Stephens.

II. PAROLE HEARING ON AUGUST 25, 2016

George Ortiz, now 59-years-old, appeared before the Parole Board on August 25, 2016, for a review hearing. Mr. Ortiz was not represented by an attorney at the hearing. Mr. Ortiz was paroled after his initial hearing in April 2005, but then returned to custody in late 2006. His parole was revoked following a dispute with his live-in girlfriend, when he threatened her with a kitchen knife. Mr. Ortiz next appeared before the Board in 2009, and was granted another parole. In September 2011, he was arrested and charged with stabbing two homeless individuals in Cambridge. Mr. Ortiz was found not guilty of the charges, but the Board revoked his parole after determining (by a lesser standard) that Mr. Ortiz committed a parole violation. After his review hearing in August 2014, Mr. Ortiz was denied parole with a review in two years.

In his opening statement, Mr. Ortiz took full responsibility for the murder of Mr. Stephens and apologized for the pain and suffering he caused the victim's family. He also apologized for his 2006 parole failure due to drinking, but denied that he ever threatened his girlfriend with a knife. He told the Board that since his last hearing in 2014, he completed violence reduction programming and a community outreach program, attends AA/Big Book meetings once a week, and receives mental health counseling once a month. He is currently employed in the Companion Program, where he works five days a week providing support and encouragement to inmate patients who are elderly or infirm. He told the Board that he does not have his GED because he "never tried to get it."

When Board Members questioned Mr. Ortiz about his underlying crime, he explained that he was homeless at the time of the murder and resided at the Pine Street Inn (along with the victim). He said that he was very intoxicated from alcohol and a heroin/cocaine mixture at the time of the stabbing, and that he usually carried a knife on him for "protection." Mr. Ortiz told the Board that his addiction to alcohol and drugs, coupled with his abusive childhood, led to his criminal history. He said that he had his first drink at around age 6 or 7, when his mother would give him sips of her drinks, and that he first used drugs at age 12. He stated that his mother and stepfather physically and verbally abused him, and that he first ran away from home at age 12. He said he has not used drugs since 1990, and has not had an alcoholic beverage since his first parole revocation in 2006.

When first paroled, he moved in with his girlfriend (who he says is now his fiancé) and her baby daughter. He said he began drinking about one year into his parole, and continued to drink beers at work, as well as gin and rum on the weekends. When asked about the incident that prompted his first parole revocation, Mr. Ortiz admitted that he was intoxicated when his girlfriend asked him to leave the house. She had called the police, stating that Mr. Ortiz was threatening her with a knife. The police came and she obtained a restraining order against Mr. Ortiz due to his behavior that night. Mr. Ortiz claims he never threatened her with a knife. Rather, when she asked him to leave the house, he stated that he picked up a knife from the kitchen counter and put it in his pocket as he walked out.

The Board then questioned Mr. Ortiz about his second parole failure in 2011. Mr. Ortiz said that he was completely sober on his second parole, and that he was not involved in the crime for which he was charged. He said that he did not stab the two victims (or commit any

parole violations) during his second parole. Although he knew the victims from the past, he was unable to explain why one of the victims would say that he was the person who stabbed him. Mr. Ortiz then provided the Board with excuses to negate other evidence that showed his connection to the stabbings, as well as his presence near the scene when the assault occurred.

The Board asked Mr. Ortiz about his support network and parole plans, if released. Mr. Ortiz said that he has strong family support from his brothers, sisters, and fiancé, all of whom live locally. He said that he last saw his fiancé about a year ago, but they speak over the phone. He said that he does not receive any visitors at MCI-Shirley, and the last time someone came to see him was his fiancé, about a year ago. Mr. Ortiz described a vague parole plan. If paroled, he wants to do something "to be part of the solution and not part of the problem." He did not provide the Board with any specific plans as to where he would live (besides with his fiancé), what he would do for work, or how he would deal with his substance abuse and mental health issues.

The Board expressed concern that Mr. Ortiz is not being realistic about the support network he claims to have, since no one attended the hearing, nor has he had any visitors in over a year. The Board also expressed concern about his complete denial of any involvement in the 2011 stabbings. One Board Member was concerned because Mr. Ortiz has had two parole failures, a demonstrated substance abuse history, a proclivity for violence, and lacks a demonstrable support network or concrete parole plan. Another Board Member questioned Mr. Ortiz about his domestic violence issues. The Board expressed concern about his need to carry a knife on him during certain incidents in his life. Mr. Ortiz could not offer an explanation as to why knives seem to be a focal point of his criminal history.

No one attended the hearing or testified in support of Mr. Ortiz's parole, but the Board received several letters in support of parole from family members. The Board received letters in opposition from the Suffolk County District Attorney's Office and the Boston Police Department.

III. DECISION

The Board is of the opinion that Mr. Ortiz has not yet demonstrated a level of rehabilitative progress that would make his re-release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Ortiz's rehabilitation. Although progress has been made, Mr. Ortiz needs to continue to focus on his issues with anger and violence, mental health and substance abuse. At this time, the Board remains concerned that Mr. Ortiz is a risk to public safety.

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. Ortiz's institutional behavior, as well as his participation in available work, educational, and treatment programs during his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Ortiz's risk of recidivism. After applying this standard to the circumstances of Mr. Ortiz's case, the Board is of

the unanimous opinion that Mr. Ortiz is not yet rehabilitated and therefore, does not merit parole at this time.

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


Gloriann Moroney, General Counsel

12/19/16
Date