

*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



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PAROLE BOARD
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Chair

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Executive Director

DECISION

IN THE MATTER OF

**GEORGE ORTIZ
W48835**

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 6, 2019**

DATE OF DECISION: **April 14, 2020**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 three years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 1, 1990, in Suffolk Superior Court, George Ortiz pleaded 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.

On March 3, 1990, George Ortiz (age 32), 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 6, 2019

George Ortiz, now 62-years-old, appeared before the Parole Board on August 6, 2019, for a review hearing. He was not represented by an attorney. Mr. Ortiz was paroled after his initial hearing in April 2005, but was 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 His parole was revoked following a dispute with his live-in girlfriend, when he threatened her with a kitchen knife.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. Mr. Ortiz was denied parole after his review hearings in 2014 and 2016.

In his opening statement to the Board, Mr. Ortiz asked for forgiveness from the victim's family. Mr. Ortiz explained that at the time of the murder, he was homeless and drinking alcohol daily, as well as using cocaine and heroin. He supported his habit by collecting cans and bottles. When speaking of the governing offense, Mr. Ortiz admitted to stabbing Mr. Stephens, only learning later that he stabbed him three times. When the Board noted his long history of addiction, Mr. Ortiz said he last used cocaine or heroin in 1990, and he last drank alcohol in 2006. Mr. Ortiz told the Board that he began drinking alcohol within months after his first parole and was back in custody following a dispute with his girlfriend. Although acknowledging his girlfriend's report that he threatened her with a knife, Mr. Ortiz claims that he was intoxicated at the time and could not remember. However, he described his girlfriend as "honest" and has no doubt that he did that.

Mr. Ortiz was paroled in 2009, but he was arrested and charged with stabbing two homeless people in 2011. He acknowledged that he took the case to trial and was found not guilty. The Board noted, however, that one of the victims (who identified Mr. Ortiz as the individual who stabbed him) later refused to cooperate. When Mr. Ortiz maintained that he was wrongfully accused, Board Members pressed him to explain why he was identified as the suspect. He responded, "I have no idea," and claims to have learned he was a suspect from his parole officer. The Board noted ample evidence that Mr. Ortiz was in violation of parole and, further, explained the distinction regarding the standard of proof between a criminal trial and a parole violation.

Currently, Mr. Ortiz is taking medication for depression, but explained that he feels stable. He told the Board that he is engaged to his girlfriend and has family support. When Board Members questioned him as to his programming efforts, Mr. Ortiz said that he completed Violence Reduction and Alternatives to Violence. He sees a clinician once a month, and a psychiatrist every three months, for mental health needs. Mr. Ortiz claims to have learned how to stay away from alcohol, as he understands that he cannot control it. If paroled, he hopes to live with his girlfriend and find employment as a personal care assistant.

Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter for consideration.

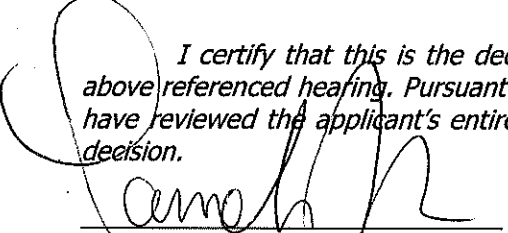
III. DECISION

It is the opinion of the Board that George Ortiz has not made enough rehabilitative progress that would make his release compatible with the welfare of society. The Board remains concerned as to the lack of candor regarding his previous parole violations. In addition, while a criminal jury did not conclude that Mr. Ortiz committed the crime beyond a reasonable doubt, the Board is discharging its duty to oversee parolees and uphold public safety, determined by a much less stringent civil evidentiary standard that he committed a parole violation. He should continue to invest in rehabilitative treatment/programming.

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 the period of his incarceration. The Board has 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 opinion that George 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 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

4/14/2020
Date