

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



**PAROLE BOARD**

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*Chair*

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*Executive Director*

**DECISION**

**IN THE MATTER OF**

**GUALBERTO CRUZ**

**(A/K/A ALFREDO GUERRERO)<sup>1</sup>**

**W87881**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** August 18, 2020

**DATE OF DECISION:** August 26, 2021

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 five years from the date of this hearing.

**I. STATEMENT OF THE CASE**

On June 20, 2006, after a jury trial in Suffolk Superior Court, Gualberto Cruz was found guilty of first-degree murder in the death of Leonardo Perez. He was sentenced to life in prison without the possibility of parole. On that same date, Mr. Cruz received a 4-5-year sentence for carrying a firearm without a license and a 2-year sentence for possession of ammunition. Both sentences were ordered to run concurrently with his life sentence. On October 15, 2010, Mr. Cruz's conviction was reduced to second degree murder by Suffolk Superior Court, which granted him the possibility of parole.<sup>2</sup>

<sup>1</sup> Mr. Cruz disclosed to the Board that his legal name is Alfredo Guerrero. "Alfredo Guerrero" is listed as one of his aliases.

<sup>2</sup> See Commonwealth v. Cruz, 456 Mass. 741 (2010).

On January 31, 2004, Gualberto Cruz shot and killed Leonardo Perez in his apartment in Jamaica Plain. Mr. Cruz was the former boyfriend of Iris Sanchez, Mr. Perez's stepdaughter. Ms. Sanchez and Mr. Cruz had a child together in September 2002 and lived together for approximately one year. During this time, Ms. Sanchez regularly brought Mr. Cruz to the apartment where her mother and Mr. Perez lived. By September 2003, the relationship between Ms. Sanchez and Mr. Cruz had deteriorated. Ms. Sanchez ordered Mr. Cruz to move out of their apartment, which he did. In October 2003, Mr. Cruz telephoned Ms. Sanchez and spoke to her in a threatening manner, stating that she had "until October 31 to get back with him." The next day, Ms. Sanchez went to Boston Municipal Court Department and applied for a temporary protective order. The temporary protective order was issued and then extended for one year.

Despite the protective order, Mr. Cruz attempted to contact Ms. Sanchez daily. On several occasions, Mr. Perez tried to intervene to protect his stepdaughter from Mr. Cruz. Several days before the murder, Mr. Cruz telephoned Mr. Perez at his apartment and told him not to "butt into the relationship" between him and Ms. Sanchez, or he would "kill him." On the day of the murder, Mr. Cruz parked his vehicle in front of Mr. Perez's apartment. He was armed with a nine-millimeter handgun. Mr. Cruz entered the apartment through a back door, where he encountered Mr. Perez. A struggle ensued. Mr. Cruz forced Mr. Perez to his knees and then shot him in the back. Mr. Cruz then broke down the living room door and pointed the gun at Ms. Sanchez's mother. He told her that he had "done it" because they had taken away his girlfriend. Mr. Cruz left through the front door and drove away. Mr. Perez succumbed to the single gunshot wound shortly thereafter.

## **II. PAROLE HEARING ON AUGUST 18, 2020**

Gualberto Cruz, now 59-years old, appeared before the Parole Board on August 18, 2020, for an initial hearing. Mr. Cruz was represented by Attorney Justin Patch and utilized a Spanish speaking interpreter throughout the hearing. In Mr. Cruz's opening statement to the Board, he apologized to Mr. Perez's family for his "destructive mistake." He expressed remorse for his crime and took full responsibility for Mr. Perez's death, stating that there "is nothing that could justify" his actions that day. Upon questioning, Mr. Cruz described his relationship with Mr. Perez as "not friends, but not enemies." When Board Members inquired as to whether he harbored resentment toward Mr. Perez (as he had prevented Mr. Cruz from seeing and speaking to Ms. Sanchez), Mr. Cruz denied the assertion. It was also noted that Mr. Cruz appeared to have difficulty accepting that Ms. Sanchez had ended their romantic relationship. Mr. Cruz claimed otherwise, explaining that he "never had problems" with Ms. Sanchez or her family members.

When Mr. Cruz maintained that he did not go to Mr. Perez's house on the day of the murder with "bad intentions," Board Members questioned the truth of his statement since he went to the house armed with a loaded gun. Mr. Cruz explained that Mr. Perez made several remarks indicating that he was no longer allowed to see Ms. Sanchez. He became angry and punched Mr. Perez in the face. He then followed Mr. Perez into his house through the back door. Mr. Cruz maintains that he fired his gun when he saw Mr. Perez "reach for something." Board Members raised concern as to Mr. Cruz's lack of candor, as he refused to admit his troubled history with Mr. Perez. Further, Mr. Cruz's version of the crime implied that he was acting in self-defense. Board Members also pointed out that his testimony today is contrary to

what was presented at trial, as witness testimony indicated that he harassed and stalked Ms. Sanchez on a regular basis.

Board Members discussed Mr. Cruz's relationship with Ms. Sanchez, noting a concerning history of domestic violence. Approximately three months prior to the governing offense, Mr. Cruz had a restraining order issued against him. When questioned, Mr. Cruz admitted to showing up at Ms. Sanchez's job, grabbing her by the hair, and pulling her out of a car. He explained that he "wanted to talk to her." It was noted that even after the restraining order was issued, Mr. Cruz contacted Ms. Sanchez daily and, on one occasion, he threatened to have her killed if she did not take him back. Although Mr. Cruz admitted to being "a little aggressive," he described his relationship with Ms. Sanchez as "good," stating that "they had problems just like everyone else." The Board noted Mr. Cruz's tendency to minimize the abuse he inflicted upon Ms. Sanchez, as well as his lack of insight on the topic of domestic violence.

When Board Members inquired as to his substance abuse history, Mr. Cruz indicated that he is not an alcoholic. However, upon questioning as to whether he was under the influence on the day of the governing offense, Mr. Cruz admitted to having a "couple beers." Moreover, Mr. Cruz admitted to becoming a "violent and aggressive man" when he drank. Although Mr. Cruz maintains that he does not suffer from addiction, he attends Alcoholics Anonymous ("AA") on a regular basis. He told the Board that AA is a "very good program," stating that it taught him "control."

The Board considered testimony in support of parole from Mr. Cruz's niece, cousin, brother, and daughter. The Board considered testimony in opposition to parole from Ms. Sanchez's family, including her three daughters and granddaughter. The Board also considered a letter of opposition from Boston Police Commissioner William Gross.

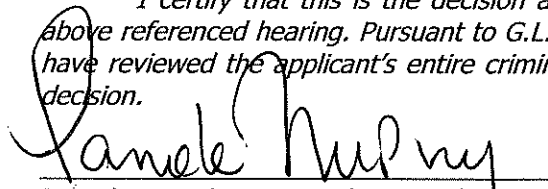
### **III. DECISION**

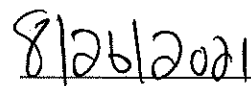
The Board is of the opinion that Gualberto Cruz has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Cruz has served over 15 years for the murder of Leonardo Perez, his ex-girlfriend's stepfather. Mr. Cruz has yet to address his causative factors to include domestic violence through participation in meaningful treatment and programming. Mr. Cruz consistently minimized his criminal culpability. He was not forthcoming during the hearing and presents with limited insight. Mr. Cruz maintains he acted in self-defense, although the victim was shot in the back. Mr. Cruz has a documented history of domestic violence.

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. Cruz'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. Cruz's risk of recidivism. After applying this standard to the circumstances of Mr. Cruz's case, the Board is of the unanimous opinion that Gualberto Cruz does not merit parole at this time.

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