

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



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

**JEAN ALMODOVAR
W68354**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 21, 2021

DATE OF DECISION: February 17, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

STATEMENT OF THE CASE: On July 17, 2000, in Hampden County Superior Court, Almodovar pleaded guilty to second degree murder and was sentenced to life imprisonment with the possibility of parole. On that same date, he pleaded guilty to two related firearms charges, for which he received concurrent sentences of one year and three to five years, respectively, which have since expired.

Mr. Almodovar appeared before the Parole Board for a review hearing on October 21, 2021 and was represented by Attorney Seth Orkand, Attorney Julianna Charpentier and Attorney Tasnuva Islam. This was Mr. Almodovar's third appearance before the Board having been denied after hearings in 2014 and 2018. The entire video recording of Mr. Almodovar's October 21, 2021 hearing is fully incorporated by reference to the Board's decision.

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 a unanimous vote that the inmate is a suitable candidate for parole. Reserve to Long Term Residential Program (LTRP) or Community Resources for Justice – Transitional Housing after completion of one year in total in lower security. Mr. Almodovar was denied by the Board in 2018 and he accepted recommendations to further address his self-development. Since his hearing he has transitioned to minimum security. He is working in a position of trust and continued program involvement. Mr. Almodovar was 16 years old at the time of the offense. The juvenile

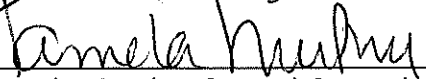
attributes were considered. Mr. Almodovar earned his general equivalency diploma, participated in occupational training, and has strong community support.

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 the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

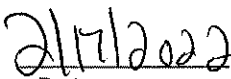
In forming this opinion, the Board has also taken into consideration Mr. Almodovar's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Almodovar's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Almodovar's case, the Board is of the opinion that Mr. Almodovar is rehabilitated and merits parole after successful completion of a total of one year in lower security.

Special Conditions: Reserve to Long Term Residential Program (LTRP) or Community Resources for Justice – Transitional Housing after one year total in lower security; Waive work for two weeks or program; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have a substance abuse evaluation – adhere to plan; Must have mental health counseling for adjustment/transition; Mandatory – follow recommended treatment of any providers.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel



Date