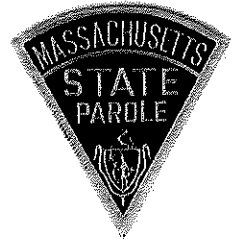


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

Jorge Huertas

W48187

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 17, 2018

DATE OF DECISION: May 9, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 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 March 30, 1990, in Hampden Superior Court, a jury found Jorge Huertas guilty of two counts of murder in the second degree for the deaths of Paul Miner and Robert Dale. He was sentenced to serve life in prison with the possibility of parole. On that same date, Mr. Huertas was also sentenced to a 3 to 5 year concurrent sentence for illegally carrying a firearm. On November 15, 1991, Mr. Huertas appealed his conviction. The judgment was affirmed and further appellate review was denied on May 24, 1993. Commonwealth v. Huertas, 34 Mass.App.Ct. 939 (1993). Further appellate review was denied on June 28, 1993.

In 1989, Jorge Huertas, age 22, resided in a neighborhood in Holyoke in which there was heavy drug dealing. Mr. Huertas, who began selling drugs when he was 14-years-old, ran a drug dealing operation in that neighborhood. On the evening of August 13, 1989, Mr. Huertas confronted the victims, Robert Dale and Paul Miner, who were in his neighborhood and seated in a pick-up truck. Mr. Huertas approached them with a .22 caliber rifle and pointed it in Mr. Dale's face. Mr. Miner, who was the driver, started the truck. Mr. Huertas started shooting into the truck. The victims managed to peel out from the spot and travel a short distance before crashing into a parked car. Mr. Huertas returned to his home and was arrested the following day.

A 15-year-old neighbor witnessed the shooting and reported it to Holyoke police, estimating that he heard about 17 shots. Police later recovered 15 shell casings from the vehicle. Mr. Dale sustained a bullet hole through his right hand and one into his back, which was the cause of his death. Mr. Miner sustained several gunshot wounds to his neck, chest, and four or five shots through his arm into his chest. Mr. Dale and Mr. Miner were transported to Holyoke Hospital, where they were pronounced dead shortly thereafter.

II. PAROLE HEARING ON JULY 17, 2018

Jorge Huertas, now 51-years-old, appeared before the Parole Board for a review hearing on July 17, 2018. He was not represented by counsel. Mr. Huertas had been denied parole after his initial hearing in 2004, and at subsequent hearings in 2008 and 2013. In his opening statement to the Board, Mr. Huertas provided an apology to the families of the victims for the pain and suffering he caused them.

In discussing the governing offense, Mr. Huertas' version remains inconsistent with the trial testimony, the physical evidence, and the verdict. Board Members did not believe Mr. Huertas' claim that the victims were robbing a drug dealer, that the victims were armed, or that the victims acted aggressively. Further, Board Members did not believe Mr. Huertas regarding the proximity from which he fired multiple rounds. At the time of the murders, Mr. Huertas had been selling drugs in the Holyoke community for several years; possessing the rifle for protection. Mr. Huertas continues to assert that he left a party with a rifle to confront the victims because they had tried to rob one of his drug dealers. Mr. Huertas maintained his innocence for approximately 23 years, deflecting the culpability in two murders toward one of his dealers and the juvenile who had identified him as the shooter.

The Board discussed Mr. Huertas' institutional adjustment since his last hearing. Mr. Huertas is currently incarcerated at North Central Correctional Institution, where he is employed as a gym worker. Since his last hearing, he has completed programming to include, but not limited to: Adult Basic Education, Relapse Prevention, Correctional Recovery Academy, and Alternatives to Violence Project (AVP - all phases). Additionally, he has become a facilitator for the AVP. Mr. Huertas has incurred two disciplinary infractions since his last hearing for a positive drug screen for opiates in 2013 and a fight with another inmate in 2016. Mr. Huertas now acknowledges that he squandered many years of his sentence, as he did not take his convictions seriously. The Board remains concerned as to his lack of candor, since Mr. Huertas continues to maintain that he was not issued the Records of Decision from his 2008 and 2013 parole hearings. The Parole Board has documentation that contradicts these statements.

Paul Miner's brother-in-law spoke in opposition to parole. Hampden County Assistant District Attorney Howard Safford spoke in opposition to parole.

III. DECISION

It is the opinion of the Board that Mr. Huertas has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Huertas needs a longer period of positive adjustment.

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

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


Shara Benedetti, Acting General Counsel

5/9/19
Date