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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

JORGE HUERTAS

W48187

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 16, 2013

DATE OF DECISION: January 9, 2014

PARTICIPATING BOARD MEMBERS: Caesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate 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 not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

On July 16, 2013, Jorge Huertas appeared before the Parole Board for a review hearing. This is Huertas' third appearance before the Board. The Board denied parole after his initial parole hearing in July 2004 and again following his July 2008 review hearing. Huertas is serving two concurrent life sentences for the second degree murders of Paul Miner, age 29, and Robert Dale, age 30. On March 30, 1990, in Hampden Superior Court, Huertas was convicted of two counts of second degree murder, and received the life sentences. He was also convicted by a jury of illegally carrying a firearm and received a concurrent sentence of three to five years.

In 1989, Huertas, age 22, resided in a neighborhood in Holyoke in which there was heavy drug dealing. Huertas, who began selling drugs when he was 14 years old, ran a drug dealing operation in that neighborhood. In the evening of August 13, 1989, Huertas confronted the victims, Robert Dale and Paul Miner, who were in his neighborhood and seated in a pick-up truck. Huertas approached them with a .22 caliber rifle and pointed it in Dale's face. Miner, who was the driver, started the truck. 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. 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. Robert Dale sustained a bullet hole through his right hand and one into his back, which was the cause of his death. Paul Miner sustained several gunshot wounds to his neck, chest, and four or five shots through his arm into his chest. Dale and Miner were transported to Holyoke Hospital and were pronounced dead shortly thereafter.

On November 15, 1991, 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.

II. INSTITUTIONAL HISTORY

Jose Huertas has accumulated 35 disciplinary reports, including four since his last parole hearing in July 2008. Huertas has two returns to higher custody, including in 1993 for accepting heroin from a visitor. Huertas was subsequently convicted in Gardner District Court of illegal possession of a class A substance and sentenced to a six month concurrent term. His second return to higher custody occurred in 2000 for physically assaulting and injuring his roommate with a weapon. Huertas also has had numerous special management unit placements for infractions that included weapon possession, insolence to staff, and fighting with other inmates.

In 1996, Huertas completed Security Threat Group Reintegration Program, in 1999 he completed Alternatives to Violence, and in 2004 he completed the Correctional Recovery Academy. He also completed the Parenting Program in April 2008.

III. PAROLE HEARING ON JULY 16, 2013

Jorge Huertas appeared for his third parole hearing after 23 years of incarceration on two concurrent life sentences. When asked what he had learned from the written decision denying parole in 2008, Huertas said that he was never given a written decision so he does not know why parole was denied. A Board Member told Huertas that the 2008 decision described that he was "insincere and disrespectful when addressing" the Board at the hearing. Huertas said he had no knowledge of that decision and that he was not disrespectful at his 2008 hearing.

Huertas made a critical error in denying that he received the written decision. Parole Board records contain clear and detailed documentation of the events: the institutional parole officer gave the written decision to Huertas as he orally informed him of the denial; Huertas

"read the decision and signed receipt for the same, following which he spent the next 30 minutes reiterating his displeasure with the vote;" in expressing his displeasure Huertas stated that the "victims deserved their fate;" Huertas ripped up the written decision as he expressed his displeasure with the outcome. It is unclear why Huertas chose to lie to the Board about the 2008 decision.

Board Members asked Huertas about his rehabilitative activities. Huertas said he is not currently involved in any rehabilitative programs. He said, "I have done nothing in five years, no programs." He said he has not attended an AA or NA meeting in three years. When a Board Member noted that it appeared he has not worked in ten years, Huertas said, "I felt like taking a break." He has 35 disciplinary reports, including four since his last hearing. When asked about his disciplinary reports involving heroin use, he admitted that he used heroin in prison but denied the allegations in the 1993 disciplinary report involving his possession of heroin.

In describing the murders, Huertas claimed that the victims were armed and that he fired when he saw one of the victims with a gun. Huertas said he ran a heroin operation with five dealers working for him. He said he kept his drugs in a hotel room and that he made about \$12,000 weekly. He said he left a party with a rifle to confront the victims because they tried to rob one of his dealers. He said he shot them in a hallway only after he saw one of the guns displayed by the victim. Board Members noted that this version of events is inconsistent with the trial testimony, the physical evidence, and the verdict. Most notably, witnesses said the two men were in their truck when Huertas shot them. No witness supported the claim that the victims were armed and there were no guns recovered from the truck where the victims were shot. Based on the evidence, Board Members expressed that they did not believe the claims that the victims were robbing a drug dealer, that they were armed, or that they acted aggressively.

No one spoke in support of parole. Hampden Assistant District Attorney Dianne Dillon spoke in opposition to parole. She pointed out that Paul Miner had no involvement with drugs; on this day he gave a ride to his foreman whose license was suspended. Paul Miner's brother and brother-in-law testified in opposition. Mr. Miner's brother noted that Paul served in the United States Navy with tours of duty in Grenada and Lebanon. He told Huertas that "Paul was the kind of person who would have done anything for you; you shot the wrong kid."

IV. DECISION

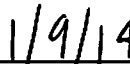
Jorge Huertas was a drug dealer who murdered two people. After 23 years of incarceration, he is still unwilling to admit and describe his violent conduct and motive in committing the murders. He has devoted little effort to rehabilitation as he has made deliberate choices to avoid programs and employment. At this hearing, he demonstrated his lack of reform by lying repeatedly about receiving the written decision from his last parole hearing.

Because he is not rehabilitated, Huertas would be likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, parole is denied. Because Jorge Huertas is not making any noticeable efforts towards reform, the review period will remain at five years. If Mr. Huertas has any real interest in parole, the Board recommends that he make a commitment to rehabilitation that includes meaningful involvement in programs and employment.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Mr. Huertas does not merit parole. The period of review will be five years.

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.


Caitlin E. Casey, Chief of Staff


Date