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

**PAROLE BOARD**

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Paul M. Treseler  
Chairman

Michael J. Callahan  
Executive Director

**DECISION**

**IN THE MATTER OF**

**JOSE CABRERA**  
**W69140**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 19, 2016

**DATE OF DECISION:** December 8, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.<sup>1</sup>

**I. STATEMENT OF THE CASE**

On February 15, 2001, in Essex Superior Court, a jury found Jose Cabrera guilty of the second degree murder of Nelson Liriano<sup>2</sup> in 1990. Mr. Cabrera was sentenced to life in prison with the possibility of parole. Mr. Cabrera, however, had been a fugitive for nearly 10 years after Mr. Liriano's murder. As a fugitive, he used multiple aliases and was incarcerated (at various times) by both federal and Connecticut authorities.

<sup>1</sup> Four of the seven Members of the Board voted to deny parole with a review hearing in two years. Three Board Members voted to reserve Mr. Cabrera to U.S. Immigration and Customs Enforcement (ICE). (In November 2014, an immigration judge had ordered Mr. Cabrera be deported to the Dominican Republic.) Per Frederick Clay v. Massachusetts Parole Board, 475 Mass. 133 (2016), the four votes to deny parole with a review in two years stand as the majority.

<sup>2</sup> There is a discrepancy in the spelling of the victim's surname. The victim is referred to as "Nelson Liriano" in the Massachusetts Appeals Court decision affirming Mr. Cabrera's conviction, *Commonwealth v. Jose Luis Cabrera*, 63 Mass.App.Ct. 1104 (2005). Other documents identify him as "Nelson Liriano."



In the early morning hours of May 11, 1990, Jose Cabrera (then 25-years-old) and Nelson Liriano argued over a disputed debt at a residence in Lynn. A physical fight ensued. Witnesses saw Mr. Cabrera on top of Mr. Liriano, punching him in the face. After the fight was broken up, Mr. Cabrera went into the kitchen, retrieved a knife, and fatally stabbed Mr. Liriano (who was unarmed) two to four times in the chest. Mr. Cabrera washed off the knife and put it in his pants before he left. Later that morning, Mr. Cabrera called a friend's home to find out if Mr. Liriano had died. He asked his friend to "help him get out of Lynn," which the friend declined to do. Mr. Cabrera fled first to New York and then to Waterbury, Connecticut, where he lived under a false name. On November 19, 1990, the Lynn District Court issued a murder warrant for Mr. Cabrera. On June 22, 1999, Mr. Cabrera (while incarcerated in Connecticut) was returned to Massachusetts on the murder warrant.

## **II. PAROLE HEARING ON APRIL 19, 2016**

Mr. Cabrera, now 51-years-old, appeared before the Parole Board on April 19, 2016, for a review hearing. Mr. Cabrera's initial hearing took place on April 24, 2014, and resulted in the denial of parole. At this hearing, Mr. Cabrera communicated through a Spanish language interpreter. In his opening statement to the Board, Mr. Cabrera expressed his remorse for killing Mr. Liriano and asked for forgiveness. Mr. Cabrera said that he has repented, and he apologized for the "damage" he caused to Mr. Liriano. The Board asked Mr. Cabrera about his understanding of his previous parole denial. Mr. Cabrera acknowledged that he did not take responsibility for the murder during his previous hearing, and that he needed more rehabilitation. At that time, Mr. Cabrera believed that he had been defending himself during the fight with the victim. However, after participation in programming (including Criminal Thinking), Mr. Cabrera now understands that he was the aggressor.

Mr. Cabrera discussed the events leading up to Mr. Liriano's murder. At a disco, Mr. Cabrera and Mr. Liriano had gotten into an argument over money that Mr. Cabrera owed him. Mr. Cabrera informed Mr. Liriano that he was going to pay him back later because he did not have the money at the time. At a party later (at a residence in Lynn), Mr. Cabrera was in the kitchen when Mr. Liriano entered with a mutual friend. Mr. Cabrera and Mr. Liriano began arguing again and moved into the living room. The two men began fighting. After the fight was broken up, however, Mr. Cabrera went back to the kitchen, grabbed a knife, and then proceeded to stab Mr. Liriano. Mr. Cabrera said that he had been under the impression that the fight was going to continue and was "kind of scared at that time." He admitted that Mr. Liriano did not have a knife (or anything else) in his hands and took responsibility for taking the life of Mr. Liriano. Mr. Cabrera said that the Offender Responsibility program and Taking a Chance on Change program helped him realize that he was guilty, and that he did not act in self-defense.

The Board asked Mr. Cabrera to discuss the period of time that he spent on the run after murdering Mr. Liriano. After leaving Lynn, Mr. Cabrera went first to Lawrence and then to Waterbury, Connecticut. Mr. Cabrera said that he had been "living in the shadows" by using different names, social security numbers, and birth certificates in an attempt to hide from "American justice." During that time, he was using cocaine and marijuana, as well as selling cocaine. Mr. Cabrera admitted that he had been very irresponsible. While in hiding, Mr. Cabrera (under an alias) served 51 months in federal prison for drug charges. He served an additional year in federal prison for violating his supervised release by participating in a drug



deal. After serving the additional year, Mr. Cabrera was arrested in Connecticut for selling heroin. He was also charged in Rhode Island with domestic assault on his common-law wife (also the mother of his four children). Mr. Cabrera eventually ended up back in a Connecticut prison. From there, he was subsequently returned to Massachusetts.

Currently, Mr. Cabrera leads a Bible study and attends Alcoholics Anonymous and Narcotics Anonymous. He is also a teacher in the Alternatives to Violence Program (AVP) and is employed as a janitor. In 2010, Mr. Cabrera was diagnosed with cancer. His chemotherapy and radiation treatment prevented him from engaging in programming during that time. However, since his last parole hearing in 2014, Mr. Cabrera participated in additional programming, as well as a substance abuse program.

Mr. Cabrera had many supporters in the audience during his hearing. The Board considered testimony from relatives and friends, all of whom expressed support for Mr. Cabrera being granted parole. Essex County Assistant District Attorney Marcia Slingerland spoke in opposition to Mr. Cabrera being granted parole.

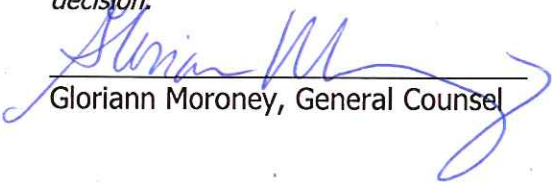
### **III. DECISION**

Although progress has been made, the Board is of the opinion that Mr. Cabrera has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Cabrera's rehabilitation.

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. Cabrera's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Cabrera's risk of recidivism. After applying this standard to the circumstances of Mr. Cabrera's case, the Board is of the unanimous opinion that Mr. Cabrera is not yet rehabilitated and, therefore, does not merit parole at this time.

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

  
Gloriann Moroney, General Counsel

12/8/14  
Date