

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



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSE CABRERA

W69140

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 3, 2018

DATE OF DECISION: November 29, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 a suitable candidate for parole. Parole is granted to Jose Cabrera's Immigration and Customs Enforcement (ICE) detainer.

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 Liriano¹ and was sentenced to life in prison with the possibility of parole. Mr. Liriano was murdered in 1990, and Mr. Cabrera had been a fugitive for nearly 10 years after the murder. As a fugitive, he used multiple aliases and was incarcerated (at various times) by both federal and Connecticut authorities.

¹ 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, 25-year-old Jose Cabrera 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. Before he left, Mr. Cabrera washed off the knife and put it in his pants. 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 his 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 (incarcerated in Connecticut) was returned to Massachusetts on the murder warrant.

II. PAROLE HEARING ON APRIL 3, 2018

Mr. Cabrera, now 53-years-old, appeared before the Parole Board on April 3, 2018, for a review hearing. He was represented by Student Attorneys Nicholas Raskin and Zachery Sosa from the Harvard Prison Legal Assistance Project. Mr. Cabrera communicated through a Spanish language interpreter. Mr. Cabrera had been denied parole after both his initial hearing in 2014 and his review hearing in 2016. In his opening statement to the Board, Mr. Cabrera expressed his remorse for killing Mr. Liriano and asked for forgiveness. When the Board questioned him about the events leading up to the murder, Mr. Cabrera explained that he had been selling cocaine with Mr. Liriano for about a year and a half. When he ran into Mr. Liriano at a party, Mr. Liriano demanded \$1,000 that he claimed Mr. Cabrera owed him. They argued about the debt, which escalated into a fist fight, until Mr. Cabrera stabbed Mr. Liriano to death. Mr. Cabrera said that stabbing Mr. Liriano was the biggest mistake of his life, and that he never had a problem with anyone prior to the night of the murder.

When the Board asked him about his health, Mr. Cabrera said that he has undergone 30 radiation treatments and 23 chemotherapy treatments for cancer, and that he has lost 50 pounds. Mr. Cabrera said that he does not have any mental health issues. He said that he attends Alcoholics Anonymous and the Twelve Step program and has been sober since 1998. He also attends Bible studies and mentors other prisoners. Mr. Cabrera requested that the Board release him to his ICE detainer. Mr. Cabrera would likely be deported back to his home country in the Dominican Republic, where he would have the support of friends, parents, daughters, granddaughters, and cousins. As an ordained minister, he said that he has the opportunity to join a ministry in the Dominican Republic, where he would work with at risk youth. Mr. Cabrera has also been offered work with his son-in-law's tour guide business or as a welder. He would continue to attend Alcoholics Anonymous/Narcotics Anonymous.

Mr. Cabrera had over 20 friends and family members attend his hearing in support of parole. Four family members and a friend testified in support of parole. Essex County Assistant District Attorney Catherine Langevin Semel testified in opposition to parole and submitted a letter of opposition.

III. DECISION

The Board is of the opinion that Jose Cabrera has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Cabrera's incarceration has served its purpose. He has availed himself of relevant programming to address

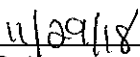
his causative factors, coupled with a positive adjustment. It is the opinion of the Board that he has been rehabilitated.

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 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 could effectively minimize Mr. Cabrera's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Cabrera's case, the Board is of the unanimous opinion that Jose Cabrera merits parole at this time. Parole is granted to Mr. Cabrera's ICE detainer with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Release to other authority – ICE detainer; Waive work for 2 weeks; Must be home between 10:00 pm and 6:00 am; Electronic monitoring – GPS; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned Massachusetts Parole Office on day of release; No contact with victim(s); Must have mental health counseling for adjustment/transition; Alcoholics Anonymous/Narcotics Anonymous at least 3 times/week.

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/Executive Director


Date