



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JOSE CABRERA
W98061

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 12, 2023

DATE OF DECISION: December 12, 2023

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Tina M. Hurley, James Kelcourse

VOTE: Parole is denied with a review in three years from the date of the hearing.

PROCEDURAL HISTORY: On February 11, 2011, following a jury trial in Essex Superior Court, Jose Cabrera was convicted of second-degree murder for the death of 21-year-old Tony Pich. He was sentenced to life in prison with the possibility of parole. Mr. Cabrera, 33 years old, appeared before the Board for an initial hearing on September 12, 2023. He was not represented by counsel. The Board's decision fully incorporates by reference the entire video recording of Mr. Cabrera's September 12, 2023 hearing.

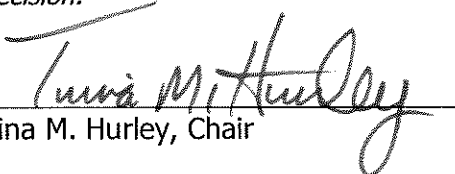
STATEMENT OF THE CASE: In 2008, Tony Pich was residing in a three-story residence in Lynn with at least 20 family members. Mr. Pich was a former gang member, and members of a friendly gang often congregated at his home. Mr. Cabrera, then 18 years old, was a member of a rival gang. He was regularly seen driving by Mr. Pich's residence and was involved in more than one verbal altercation in the area. When Mr. Pich returned home in the early morning hours of November 1, 2008, his 11-year-old cousin informed Mr. Pich that he and two friends had been shot at by rival gang members. Mr. Pich and another individual stood outside his home armed with firearms and closely watched the vehicles driving by. Mr. Pich's cousin spotted a vehicle believed to be occupied by Mr. Cabrera and pointed it out. Someone else saw Mr. Cabrera in the driver's seat of the vehicle cocking a weapon. Mr. Pich and the other armed

individual began shooting at the vehicle, which raced away. Minutes later, Mr. Cabrera returned and fired six shots at Mr. Pich's home from the driver's side window of his vehicle. One of the rounds hit Mr. Pich in the chest, perforated his liver, right lung, and heart, and lodged in the muscle of his left chest, destroying his heart and liver, and killing him within minutes.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Mr. Cabrera's initial appearance before the Board. He has over 35 disciplinary reports including for assaultive behavior, refusing an order, and possession of contraband. He scores high risk on the LS/CMI risk needs assessment tool. He has had a difficult adjustment and struggles with substance use, including while incarcerated. The Board recognizes Mr. Cabrera's age (18) at the time of the offense and his motivation toward rehabilitation. The Board recommends that he engage in violence reduction programming, address his substance use, and pursue formal renunciation. Mr. Cabrera had 25 people present in support, including family members who spoke. Assistant District Attorney Elin Graydon of the Essex County District Attorney's Office spoke in opposition.

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.


Tina M. Hurley, Chair

12/12/2023

Date