

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 MALDONADO
W38184

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 29, 2020

DATE OF DECISION: March 3, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On April 16, 1981, in Hampden County Superior Court, a jury found Jose Maldonado guilty of the first-degree murder of 22-year-old Lydia Velez. In 1983, the Supreme Judicial Court affirmed the conviction and declined to reduce the first-degree murder verdict.¹ On January 23, 1993, Mr. Maldonado filed an amended motion for new trial. After a hearing, a Superior Court judge denied a new trial, but reduced the conviction to second degree murder, thus making him eligible for parole.

Mr. Maldonado appeared before the Parole Board for a review hearing on October 29, 2020 and was represented by Northeastern University Law students Jordan Bayer and Alyssa Myers. This was Mr. Maldonado's seventh appearance before the Board having been denied in 1995, 1999, 2003, 2009, 2012, and 2017. The entire video recording of Mr. Maldonado's October 29, 2020 hearing is fully incorporated by reference to the Board's decision.

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 an unanimous decision that the inmate is a suitable candidate for parole. Reserve to Long Term Residential Program (LTRP) after 12 months in lower security. Mr. Maldonado has served 40 years for the murder of Lydia Velez. Since his last hearing he has continued to engage in meaningful treatment and programming to address his causative factors, to include Correctional Recovery Academy, Family Violence Conference and Restorative Justice. He has remained active in

¹ *Commonwealth v. Jose Maldonado*, 389 Mass. 626 (1983)

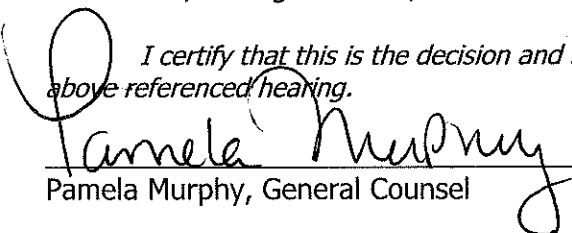
Alcoholics Anonymous/Narcotics Anonymous and has maintained employment. Release to a structured program after a gradual transition meets the legal standard. It is the opinion of the Board that Mr. Maldonado should demonstrate that he can be successful in a lesser restrictive environment prior to release to the community.

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." In forming this opinion, the Board has taken into consideration Mr. Maldonado's 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. Maldonado's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Maldonado's case, the Board is of the unanimous opinion that Mr. Maldonado is rehabilitated and merits parole at this time.

Special Conditions: Reserve to LTRP after 12 months in lower security; Waive work for LTRP; Curfew must be at home between 10 p.m and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week. Must complete LTRP.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Maldonado, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Pamela Murphy, General Counsel

3/3/2021
Date