



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

JOSE MALDONADO

W38184

TYPE OF HEARING: Review Hearing
DATE OF HEARING: October 23, 2012
DATE OF DECISION: January 29, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre Ina Howard-Hogan, Roger Michel, 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 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 April 14, 1981, a Hampden County jury found Jose Maldonado guilty of the first degree murder of Lydia Velez, age 22. The Supreme Judicial Court affirmed the conviction and declined to reduce the first degree murder verdict. A motion for a new trial was denied in 1985. Mr. Maldonado continued to file motions for new trial, and in 1993 a Superior Court judge denied a new trial but did reduce the verdict to second degree murder, thus making him eligible for parole on a life sentence.

On the afternoon of February 6, 1980, hours before the murder, Mr. Maldonado broke into a former girlfriend's Holyoke apartment; he was intoxicated, armed with a knife, and he passed out for a period of time before leaving her home stating he was angry with Patricia Guyon and Lydia Velez. He appeared at the Holyoke apartment of Lydia Velez with the intention of confronting her because he believed she interfered with his relationships with other women. Patricia Guyon, another former girlfriend, was visiting Lydia Velez at the time. Mr.

Maldonado was intoxicated. Mr. Maldonado argued first with Patricia Guyon and then moved on to argue with Lydia Velez. The argument with Lydia Velez resulted in a physical struggle. Patricia Guyon saw Mr. Maldonado strike at Ms. Velez's throat with the knife. Ms. Guyon ran for help. When she returned to the scene, she saw Ms. Velez slumped over, having suffered from numerous stab wounds, and Mr. Maldonado was pulling the knife from her chest, and then plunged it back into her body. Ms. Velez suffered six stab wounds. Stab wounds penetrated both her heart and lung.

Mr. Maldonado fled the apartment and was apprehended in Hartford, Connecticut on February 11, 1980. In statements made to the police, Mr. Maldonado initially denied any role in stabbing Ms. Velez, but later stated he was drunk and may have done so, but had no recollection of the events.

Mr. Maldonado provided false testimony at trial implicating Ms. Guyon. He said Patricia Guyon came at him with a knife and that the victim stepped in between them which apparently resulted in an unintended stabbing of the victim by Patricia Guyon. The jury rejected the testimony and Mr. Maldonado now admits he lied.

During his parole hearing in 2009, Mr. Maldonado stated that his memory for the details of the murder is still impaired due to his intoxicated state at that time. He has stated that he recalls Ms. Velez standing in between himself and Ms. Guyon. He "lost control" during the argument and grabbed a knife off the kitchen counter and slashed the knife stabbing Ms. Velez in the chest. The next thing he recalls is trying to push through the two women and stabbed Ms. Velez in the chest.

At the time of the murder Mr. Maldonado was on probation for a domestic assault and battery against Ms. Guyon.

II. INSTITUTIONAL ADJUSTMENT

During his incarceration Mr. Maldonado has incurred approximately 31 disciplinary reports and seven returns to higher custody for behavioral reasons. His disciplinary infractions includes multiple acts of violence (no violence since 1999), having marijuana mailed to him, several reports of using marijuana (he states he has been sober since 1994), and more recent acts of sexual misconduct (masturbation in front of female officers). The Department of Correction lists Mr. Maldonado as a suspected member of the NETA gang. Mr. Maldonado denies such affiliation.

Mr. Maldonado has completed numerous programs related to his history of violence and substance abuse. Currently, he attends SMART Recovery, continues to work on his GED, and holds employment in the kitchen.

III. DECISION

Mr. Maldonado has a lengthy criminal history commencing in 1971 which includes two escapes from incarceration, firearm offenses, and numerous violent crimes. Mr. Maldonado was born in Puerto Rico and reported that he was placed in reform school from the age of 9 to 12 prior to coming to the United States. Mr. Maldonado was on probation for an assault and battery on Ms. Guyon when he committed the murder of Ms. Velez. He was released from prison 3 ½ months before the murder. Mr. Maldonado initially minimized using violence and intimidation in his other relationships; however, as Board Members addressed his criminal record and repeatedly questioned him regarding other domestic disputes, Mr. Maldonado

described a pattern of violence with other women. Mr. Maldonado also acknowledges that it took him a long time to admit to this murder, yet he insists that he wanted to take responsibility at the outset of his trial, but his attorney convinced him to continue with his defense.

Mr. Maldonado continues to deny that he was angry and seeking a confrontation with both women on the day of the murder. He insists that he went to Ms. Velez's apartment to "make peace with her." This is in direct conflict with witness testimony. Mr. Maldonado denied and then vacillated throughout the hearing regarding his level of anger, and whether Ms. Guyon is also to blame for the death of Ms. Velez. His testimony was confusing and conflicting at times; however, he ultimately agreed that despite his faulty memory, he did stab Ms. Velez to death and he was angry when he did so. By the end of the hearing, the Board had difficulty with Mr. Maldonado's credibility due to his conflicting statements. It is therefore unclear as to where Mr. Maldonado is in his rehabilitation even after 32 years of incarceration. Speaking in opposition of Mr. Maldonado's parole, Hampden Assistant District Attorney Howard Safford expressed concern regarding Mr. Maldonado's level of truthfulness stating "credibility is the paramount issue" in terms of making a release decision.

Given Mr. Maldonado's history of violence in the community and during the first half of his incarceration, Mr. Maldonado needs considerable rehabilitation before he could be considered for release to the community. His testimony, displaying lack of insight and honesty, indicates lack of rehabilitation. At this time, it is the unanimous decision of the Board that Mr. Maldonado would likely re-offend if released and his release is not compatible with the welfare of society. He is encouraged to continue to engage in all available programming and to present his true understanding of the offense, his history of violence, and to focus on why he has had been a particular threat in domestic relationships. Mr. Maldonado is also encouraged to reflect on his history of statements that he has made and to recognize the importance of establishing credibility and trust as he moves forward in his rehabilitation.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.



Josh Wall, Chairman



Date