

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSE RAPOSO

W93159

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 2, 2020

DATE OF DECISION: November 25, 2020

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

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.¹ Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On October 24, 2008, after a jury trial in Bristol County Superior Court, Jose Raposo was found guilty of second-degree murder in the stabbing death of Jonathan Bor. He was sentenced to life in prison with the possibility of parole. In 2015, Mr. Raposo filed an appeal based on insufficient evidence and ineffective assistance of counsel. The appeal was denied, and the conviction was affirmed.²

On June 10, 2005, just before midnight, Jose Raposo heard a smashing noise outside his residence in New Bedford. He and his friend went outside to find Jonathan Bor holding a baseball bat next to Mr. Raposo's damaged car. An altercation ensued, and Mr. Bor eventually left on foot. Mr. Raposo followed Mr. Bor and confronted him, stabbing Mr. Bor approximately nine times with a folding knife. Police were called to the scene, where Mr. Raposo surrendered

¹ Three Board Members voted to parole Mr. Raposo to his active ICE detainer.

² *Commonwealth v. Jose Raposo*, 87 Mass.App.Ct. 1103, No. 10-P-1880 (2015)

his knife and provided the officers with a confession. Mr. Bor succumbed to his injuries, shortly thereafter.

At the time of the stabbing, Mr. Bor had been romantically involved with a woman who shared two children with Mr. Raposo. Mr. Raposo, however, denied having any motive for the murder. He maintained that he had never met or heard of Mr. Bor prior to the murder, nor had he been aware of Mr. Bor's relationship to the woman.

II. PAROLE HEARING ON JUNE 2, 2020

Jose Raposo, now 52-years old, appeared before the Parole Board on June 2, 2020 for an initial hearing. Mr. Raposo was represented by law students Sarah Hillier and Maris Hubbard from the Harvard Prison Legal Assistance Project. In Mr. Raposo's opening statement to the Board, he said that he is "deeply sorry" for the murder of Mr. Bor, as well as the residual affects his violence had on the Bor family. Mr. Raposo expressed his remorse and took responsibility for the crime. He also explained to the Board that his "selfish" and "impulsive" behavior, coupled with his unaddressed substance abuse issues, led to the murder. Mr. Raposo stated that he has completed Restorative Justice several times, where he learned to understand the "ripple effect" of his criminal behavior. Mr. Raposo said that he has remained sober and is no longer the same man that murdered Mr. Bor in 2005. Law student Maris Hubbard also provided an opening statement on behalf of Mr. Raposo, which summarized his institutional adjustment and parole plan.

When questioned as to the events leading up to the governing offense, Mr. Raposo told the Board that he was drinking heavily and "using all day." He had attended the Portuguese feast in New Bedford, where he met with friends. Mr. Raposo told the Board that he sold drugs to one of the bartenders at the feast. He believed that the woman who Mr. Bor was involved with, as well as her friend, witnessed the drug deal and told Mr. Bor to rob him for the money. Later that night, Mr. Raposo went back to his house to use more drugs and arrange another drug deal. Shortly thereafter, Mr. Raposo went outside and heard a "smashing" noise and witnessed Mr. Bor damaging his car with a baseball bat. Mr. Raposo told the Board that he did not know Mr. Bor, and an altercation ensued between them. When Mr. Bor proceeded to leave, Mr. Raposo chased after him. Mr. Raposo maintained that he needed to defend himself because Mr. Bor had a bat. After struggling with one another, Mr. Raposo stabbed Mr. Bor with a knife. When the Board questioned him as to the number of stabbings that he inflicted, Mr. Raposo stated, "I didn't know, but I knew he was bleeding bad." Upon questioning, Mr. Raposo claimed that he chased Mr. Bor because he intended to write his license plate down. When Board Members asked why he would engage with someone he did not know, Mr. Raposo stated, "I was not looking for a fight."

At trial, Mr. Raposo asserted self-defense, which was ultimately rejected by the jury. Witness testimony seemed to indicate that Mr. Raposo became the aggressor when he chased Mr. Bor down the street. The Board questioned Mr. Raposo about the discrepancy between his assertion of self-defense and witness testimony. Mr. Raposo told the Board that the witnesses were lying, but offered no reason or explanation as to why. When asked if Mr. Raposo had reflected on the major discrepancies, he offered very little insight, but indicated that one witness who testified had a memory problem and stated that he was "was not that bright." Additionally, he claimed that he did not know that Mr. Bor and the woman were romantically

involved. Further, Mr. Raposo stated that he did not know the identity of Mr. Bor until the day after the murder, when his daughter told him over the phone. The Board, however, struggled with the likelihood of that statement as true, since a report suggested that Mr. Raposo attempted to damage Mr. Bor's vehicle approximately one year prior to the murder. Mr. Raposo denied having any altercation with Mr. Bor prior to the murder, stating, "It had nothing to do with me."

The Board addressed Mr. Raposo's substance abuse problem, as well as his social history. Mr. Raposo and his family moved to New Bedford from Portugal when he was 11-years-old. He began engaging in anti-social behavior, such as stealing and breaking and entering, as well as drinking alcohol and using drugs, at the age of fourteen. Mr. Raposo told the Board that he was a "very bad" child and would often suffer physical abuse from his mother as a form of punishment. Further, Mr. Raposo indicated that he struggled academically and experienced bullying from his classmates, which ultimately led him to drop out of school in the ninth grade. Mr. Raposo's drinking and drug use increased as he got older. At age 18, he was released after serving an 18 month sentence for breaking and entering and illegal sale of a firearm. At that point, Mr. Raposo was given an opportunity to work with family in construction, which was a positive aspect in his life. When asked if his drug use decreased while he was employed, Mr. Raposo said "yes" and stated, "I wasn't really using that bad." He told the Board that his drug use significantly increased after he found out about his brother's death. As such, Mr. Raposo began selling drugs to support his habit. When questioned as to how he feels about his addiction today, Mr. Raposo stated, "I feel good, I feel safe." He maintained that he is no longer ashamed and has a support system that he can turn to, if he needs help.

The Board discussed Mr. Raposo's institutional adjustment. He is currently incarcerated at MCI-Norfolk. Although he has completed a number of programs, including Restorative Justice, and consistently attends AA/NA, Mr. Raposo has incurred approximately 19 disciplinary reports. The Board made note of one significant disciplinary report in 2009, where Mr. Raposo made threatening statements to an officer. When asked about the incident, Mr. Raposo initially told the Board that the officer was threatening him and calling him names. When Board Members followed up by asking how he felt about the incident, Mr. Raposo said that he is "ashamed" and wishes he could take his actions back. The Board noted Mr. Raposo's reaction to this report was deflective, despite the incident occurring over a decade ago. When asked, Mr. Raposo initially shifted blame to the officer as opposed to taking responsibility and using this incident to show the Board his rehabilitative efforts. Additionally, Mr. Raposo attempted to obtain his GED certificate, but did not pass. He indicated that he plans to continue to study and retake the test. Mr. Raposo is currently employed within the health unit and volunteers on the weekends, cleaning floors. Previously, he worked in maintenance for approximately three years.

The Board considered oral testimony in support of parole from Mr. Raposo's brother and daughter. The Board considered oral testimony in opposition to parole from Bristol County District Attorney Thomas Quinn.

III. DECISION

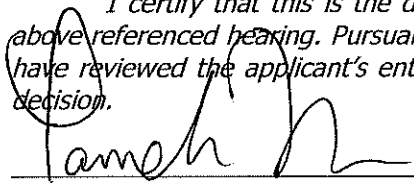
Mr. Raposo has been incarcerated for approximately 15 years for the murder of Mr. Jonathan Bor. It is the opinion of the Board that his presentation of the facts lacked credibility and was insincere. Mr. Raposo has a lengthy criminal history dating back to 1982. Although he

has made strides in his rehabilitation, it is his institutional adjustment that is a concern for the Board. His behavior is not indicative of someone who has been rehabilitated. It is the recommendation of the Board that he continue to participate in recommended programming and maintain a positive adjustment. Mr. Raposo has maintained his sobriety throughout his incarceration. Alcohol and drugs were a significant factor in his criminal behavior. Mr. Raposo lacked candor and sincerity as to his criminal behavior and has unresolved anger issues. Lastly, the Board did consider the COVID-19 pandemic and his underlying health issues that may put him at a greater risk to contract the virus. Release is not compatible with the welfare of society.

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. Raposo'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. Raposo's risk of recidivism. After applying this standard to the circumstances of Mr. Raposo's case, the Board is of the opinion that Jose Raposo is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Raposo'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. Raposo 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.



Pamela Murphy, General Counsel

11/25/2020
Date