



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



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

Telephone: (508)-650-4500

Facsimile: (508)-650-4599

Tina M. Hurley
Chair

Lian Hogan
Executive Director

RECORD OF DECISION

IN THE MATTER OF

**JUAN PAGAN
W90314**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 28, 2024

DATE OF DECISION: June 10, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted to C.R.J.-Brooke House after a 9-month step down to lower security.¹

PROCEDURAL HISTORY: On July 24, 2007, after a jury trial in Middlesex County Superior Court, Juan Pagan was convicted of first-degree murder in the stabbing death of Alexander Castro Santos. He was sentenced to life in prison without the possibility of parole. On May 27, 2008, Superior Court allowed Mr. Pagan’s motion to reduce his first-degree murder conviction to a second-degree murder conviction, resulting in a revised sentence to life with the possibility of parole.

On March 3, 2022, Juan Pagan appeared before the Board for his initial hearing. Parole was denied with a review in two years from the date of the hearing. On March 28, 2024, Mr. Pagan appeared before the Board for a review hearing. He was represented by Attorney Lisa Newman-Polk. The Board’s decision fully incorporates, by reference, the entire video recording of Mr. Pagan’s March 28, 2024 hearing.

STATEMENT OF THE CASE: On May 15, 2006, 16-year-old Juan Pagan was at a friend’s apartment in Lowell, along with several other individuals, including Alexander Castro Santos. There was a verbal confrontation between Mr. Castro Santos and Mr. Pagan, after which Mr. Castro Santos apologized to Mr. Pagan. Witnesses to the attack stated that Mr. Castro Santos was standing and talking to others when, without provocation, Mr. Pagan suddenly stabbed him

¹ Two Board Members voted to deny parole with a 2 year review, noting that since his last hearing two years ago, Mr. Pagan incurred a disciplinary report for fighting.

in the chest with a military style combat knife. Those present separated them and began to medically assist Mr. Castro Santos. Mr. Castro Santos was transported by ambulance to Brigham and Women's Hospital in Boston, where he died several hours later.

Mr. Pagan fled to a friend's home, where he was subsequently arrested and admitted to the stabbing.

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 incarcerated individual'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 incarcerated individual'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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual'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).

In the context of an incarcerated individual convicted of first- or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide incarcerated individuals from similarly situated adult incarcerated individuals. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); see also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).


The factors considered by the Board in the case of a juvenile incarcerated individual include the incarcerated individual's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24.

DECISION OF THE BOARD: Mr. Pagan was 16-years-old at the time of the offense. The Board reviewed the Diatchenko and Miller factors. Mr. Pagan noted the dynamics of his peer group and family history. Mr. Pagan's initial institutional adjustment was troubled. He turned his behavior around generally. He has invested in his educational pursuits through Tufts University, where he earned his degree in 2024. He has completed vocational training. The Board noted his rehabilitative progress. Mr. Pagan successfully completed the Security Threat Group renunciation process. The Board reviewed Dr. Katherine Herzog's initial report and subsequent addendum finding Mr. Pagan has matured and is at low risk to re-offend. Mr. Pagan has a solid release plan with multiple sources of support, including individuals who voiced their support at the hearing.

The parents of the victim, Alexander Castro Santos, spoke in opposition to parole. Middlesex Assistant District Attorney Alicia Walsh spoke at the hearing and Assistant District Attorney Adrienne Lynch submitted a letter documenting Mr. Pagan's history and deferred to the Board regarding his rehabilitation. The Board concludes that Juan Pagan has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for 2 weeks; Curfew: must be at home between 10PM and 6AM at parole officer's discretion; Electronic monitoring at parole officer's discretion; Must take prescribed medication (if prescribed); 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); Must have substance abuse evaluation and must comply with recommended treatment plan; Must have mental health counseling for adjustment/transition; CRJ Brooke House.

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



Date