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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**LUIS COSME**

**W63428**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** June 11, 2013

**DATE OF DECISION:** November 4, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Shelia Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long term residential program after six months in lower security at the Department of Correction, and then to the Interstate Compact for residency in Puerto Rico. The remaining period of incarceration must be completed without disciplinary incident and in compliance with the Department of Correction's expectations for programs, activities, and employment.

**I. STATEMENT OF THE CASE**

Luis Cosme appeared before the Massachusetts Parole Board for a review hearing on the life sentence that he is currently serving at MCI-Norfolk. On October 16, 1997, in Middlesex Superior Court, Cosme was convicted after a jury trial of the second-degree murder of 28-year-old Anderson Caquias and sentenced to serve life in prison. The Massachusetts Appeals Court affirmed the conviction in an unpublished opinion on May 9, 2000, and the Supreme Judicial Court declined his petition for further appellate review. *Commonwealth v. Cosme*, 49 Mass. App. Ct. 1108, *rev. denied*, 432 Mass. 1104 (2000).

On July 5, 1996, Cosme, then 35 years old, stabbed and killed Mr. Caquias in Lowell. Cosme had sold Mr. Caquias a small amount of cocaine and believed that Mr. Caquias had underpaid for it by slipping him a \$5 bill instead of a \$20 bill. The two men argued, and Mr. Caquias left the scene shortly after midnight on July 5, 1996. Mr. Caquias returned about half

an hour late and gave Cosme additional money. Cosme indicated that it was not enough, and the two men argued again. Cosme chased Mr. Caquias down the street, pulled out a knife, and stabbed him once in the center of the chest. Mr. Caquias died on the way to the hospital. Cosme fled the scene, but was arrested later that day.

## **II. CRIMINAL AND INSTITUTIONAL HISTORY**

Cosme's criminal record includes prior convictions in Massachusetts, New York, and Puerto Rico. In 1993, he was convicted in Massachusetts of operating under the influence, for which he received probation. In 1995, assault and battery and abuse prevention act violation charges were placed on file. In New York, he was charged with second degree assault using a weapon in 1980 and dismissed in 1981. In Puerto Rico, Cosme was charged with robbery and armed kidnapping in 1981, and was eventually convicted of robbery.

Overall, Cosme's behavior while incarcerated has been positive and productive, with minimal disciplinary infractions and consistent program involvement. He currently works as a runner in the administration area at MCI-Norfolk, where he receives good reviews. In 2002, he received a disciplinary report for being disruptive during a meal, for which he lost gym privileges. In addition, he has received three informal sanctions.

Mr. Cosme has completed numerous programs, including the Correctional Recovery Academy, Alternatives to Violence, Jericho Circle, Problem Solving Workshop, and Active Listening Workshop. He obtained his welder's certification in 2001 and his GED in 2013. He is an active participant in AA/NA meetings. He works in Administration and reported, "I have always worked." He said, "I have a few friends in prison who are doing the same things I am doing."

## **III. PAROLE HEARING ON JUNE 11, 2013**

This is Luis Cosme's second hearing before the Board. In 2011, the Board denied parole and set a two-year review date. In its decision, the Board determined that Cosme's parole plan did not adequately address his need for treatment to combat his long-standing substance abuse issues and that the term of his incarceration was not sufficient to ensure rehabilitation. At this hearing, Cosme stated that, since his last appearance before the Board, he has continued to focus on his recovery by participating in weekly AA/NA meetings, Big Book, and 12 Steps. He advised the Board that he received his GED in May 2013, continues to be the chairman of the Nuestra Familia meeting, and attends daily religious activities. He said, "I have lived a healthy and sound life for 17 years in prison."

Cosme acknowledged his long history with drugs and alcohol that began at the age of 16. He said that the violent offenses that he committed in the past all involved drugs and alcohol. Cosme informed the Board that on the night of the murder of Mr. Caquias he drank beer and used cocaine. He reported that the Correctional Recovery Academy "was helpful, it taught me how to think and solve problems; I was in the CRA for six months and afterwards returned to help with Spanish-speaking inmates." Cosme expressed his desire to continue addressing his substance abuse issues while in the community, stating, "I'm committed to remain clean and sober, maintain employment, and spend my time wisely."

Religious participation has assisted Cosme in reforming his thinking and conduct. He participates several days a week by attending services or doing ministry work. Cosme said, "Prison was the best thing for me; I had to make changes and I have worked hard in prison to do that."

Cosme now seeks a parole that would return him to his home village in Puerto Rico, where several of his family members reside together in a home owned by his mother. Cosme provided a letter to the Board from Juan C. Espinosa Charriez, MSW, LCSW, program coordinator at the Iniciativa Comunitaria de Investigacion, Inc. (ICI) in San Juan, Puerto Rico. ICI is a community-based organization that provides health services and prevention education to special populations by developing and implementing services addressing drug users, youth exposed to street violence, and people living with HIV. The letter reported that Cosme has requested case management and referral services as part of his social re-integration and that a staff doctor at ICI is developing an action plan for him to assist with his transition. Additionally, Cosme has been accepted into Opening Heavens Door Ministries, a re-entry transitional residential program for ex-offenders located in Worcester, which he would attend before moving to Puerto Rico.

Cosme's brother, Felix Rivera, and sister, Zulma Hernandez, traveled from Puerto Rico to attend the hearing in support of Cosme's parole. Mr. Rivera testified that he and his family in Puerto Rico would provide financial and emotional support to the inmate. Beverly Rosario, a friend, also testified in support of parole.

Middlesex County Assistant District Attorney Kerry Collins opposed parole, expressing concerns with Cosme's long history of substance abuse.

#### **IV. DECISION**

Luis Cosme committed a senseless drug-related murder in 1996. He has worked diligently towards rehabilitation throughout 17 years of incarceration on a life sentence. He did not receive parole at his initial hearing because the circumstances of the murder and his other criminal conduct required additional incarceration to ensure reform. In denying parole in 2011, the Parole Board described specific areas of reform that needed more focus. Mr. Cosme used the additional time to work on his addiction issues, understand the full harm his criminal behavior caused, and think carefully about a parole plan that would improve his prospects for maintaining sobriety and productivity in the community. Seeing the results of Mr. Cosme's renewed efforts, the Parole Board concludes that the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation - have been met.

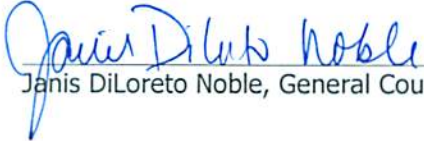
During his 17 years of incarceration, Luis Cosme has conducted himself without violence or relapse. He has established impulse control and a pattern of pro-social interactions in the institution. His steady work towards reform has successfully incorporated rehabilitative programs, vocational programs, education, and religious commitment. Due to these changes, Mr. Cosme does not present a current risk for violence and he is well-prepared to succeed in the community.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, the Board is of the opinion that Luis Cosme is suitable for parole.

**SPECIAL CONDITIONS:** Parole to a long-term residential program after six months in lower security; no drug use; no alcohol use; counseling for substance abuse and related adjustment issues; AA or NA three times per week; no contact with victim's family; it is expected that Mr. Cosme's parole will transfer to Puerto Rico via the Interstate Compact, at

which time he is required to develop a case plan for transition and services through Iniciativa Comunitaria.

*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.*

  
Janis DiLoreto Noble, General Counsel

11/4/13  
Date