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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

LUIS COSME

W63428

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 14, 2011

DATE OF DECISION: June 8, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied. The next hearing will be in two years. The decision is unanimous.

I. STATEMENT OF THE CASE

Luis Cosme sold Anderson Caquias a small amount of cocaine on Adams Street in Lowell. Cosme believed that Mr. Caquias underpaid for the cocaine 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 later and the two men argued again over the disputed drug deal. Cosme pulled out a knife and stabbed Mr. Caquias once in the chest, causing his death. Cosme was arrested later that day. A jury convicted Cosme of second degree murder on October 16, 1997 and he was sentenced to life in prison.

Cosme has a prior conviction in Massachusetts for operating under the influence for which he received probation. He has two assault and battery cases that were dismissed. He also has a criminal record in New York, where he was charged twice with second degree assault using a weapon (in 1980 and 1981); the criminal record does not state a disposition for those cases.

II. PAROLE HEARING ON MAY 3, 2011

This is the first parole hearing for Luis Cosme. He stated that he had "reflected much in the last 15 years, decided to change, and became a Christian which allowed me to understand many things." He was born in Puerto Rico and moved to Lowell in 1987. He worked at Malden Mills, lived with his girlfriend, and had two young daughters.

Cosme has a long history with drugs and alcohol. At age 20 he was involved in two violent incidents in Puerto Rico that resulted in him being stabbed and shot. He said that both incidents involved alcohol and drugs. He said he was arrested twice in Puerto Rico: he was convicted of firearm possession; he was charged with a shooting which he said was dismissed because he did not commit the offense. He admitted that he stabbed a man in New York which resulted in a criminal charge.

The inmate described on the night of the murder he attended two parties at which he drank beer and used cocaine. He said "coke was my drug." In recalling the dispute with the victim, Cosme asserted that the victim "started swinging at me." Cosme reluctantly admitted that "I chased him and stabbed him and threw the knife over the fence." Cosme presented a false defense at trial, claiming that he was not the stabber.

Cosme has good conduct in the institution. He has one major disciplinary report (in 2002) and two informal sanctions. He has completed several programs, including the Correctional Recovery Academy, Alternatives to Violence, Problem Solving Workshop, and Active Listening Workshop. He obtained his welder's certification but has not obtained a GED.

The inmate seeks a parole that would return him to his home village in Puerto Rico where several of his family members still reside. He says he would live with his mother and brother in the family home.

Five witnesses testified in support of parole. They emphasized his religious commitment and described how it has helped reduce anger and live in prison without violence.

III. DECISION

Luis Cosme has used his 15 years of incarceration productively and positively. His conduct has been good and he has spent his time pursuing religious activities and, more recently, rehabilitative programs and workshops. His current length of incarceration, however, is not sufficient to ensure rehabilitation. He has a history of violence connected to substance abuse, which dates back decades to his time in Puerto Rico. He minimizes the violence, including some of the incidents that resulted in criminal charges. He does not specifically recognize the difficulties he would face in the community with sobriety, employment, and managing conflict. His religious efforts provided strong motivation for improvement, but they must be more fully combined with continued rehabilitative programming. Additionally, Cosme appears to take his sobriety for granted. Given the inmate's history, the Parole Board does not take his sobriety for granted. He needs to put considerably more effort, both in programs and in his parole plan, to increasing his chances at sobriety if he is released on parole. His parole plan shows no specific steps for seeking assistance with sobriety. This is unacceptable, especially when the inmate's intoxication is the trigger for his violence. Because the period of

incarceration is not yet sufficient to achieve the rehabilitation necessary for community re-entry, parole is denied because it is not compatible with the welfare of society and re-offense is not improbable. The period of review will be shortened to two years in recognition of the progress that Luis Cosme has made.

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



Timothy V. Dooling, General Counsel



Date