

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

LUIS LOPEZ
W91988

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 12, 2024

DATE OF DECISION: December 10, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz¹

VOTE: Parole is to a LTRP (Long Term Residential Program), but not before completion of the Barber's Program.

PROCEDURAL HISTORY: On April 18, 2008, in Hampden Superior Court, Luis Lopez pleaded guilty to second-degree murder in the shooting death of 37-year-old Jose Marte and was sentenced to life in prison with the possibility of parole. On that same date, he pleaded guilty to unlawful possession of a firearm and was sentenced to a concurrent term of 3 to 5 years in state prison. He was also convicted of unlawful possession of ammunition, which was filed.

Parole was denied following an initial hearing in 2021. On August 12, 2024, Mr. Lopez appeared before the Board for a review hearing. He was represented by student attorneys Lovely Olivier and Makayla Connor under the supervision of Attorney Patricia Garin. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Lopez's August 12, 2024, hearing.

¹ Board Members Alexander, Coleman, and Hurley were not present for the hearing, but reviewed the video recording and written record prior to vote.

STATEMENT OF THE CASE: On the evening of October 25, 2006, Holyoke police responded to a report of a shooting at an apartment building located at 91 Newton Street. Upon arrival, officers found Jose Marte lying on a set of stairs, unresponsive and suffering from multiple gunshot wounds. Five discharged 9-millimeter casings and two discharged 9-millimeter projectiles were located inside the apartment. Mr. Marte was transported to the hospital, where he succumbed to his injuries.

A witness reported to police that Mr. Lopez, his two co-defendants, and a female arrived at the 91 Newton Street first floor apartment, looking for a man who had recently entered the building. The witness told the group that no one had entered his apartment and invited them to look around. Not finding anyone, the group left. Mr. Marte, who was standing at the top of the stairs, invited Mr. Lopez and his two co-defendants to look around the second floor of the building. The witness, Mr. Lopez, and his two co-defendants walked upstairs to the second-floor apartment, where Mr. Marte was standing. Mr. Lopez was carrying a firearm. After some conversation, Mr. Lopez said to Mr. Marte: "Jose, it was you. Jose, it was you." Although Mr. Marte denied the accusation, he was struck in the face with the firearm, causing him to fall backwards. The witness heard three to four gunshots as he fled.

Mr. Lopez was arrested on October 26, 2006. Although he initially denied any involvement in the murder, Mr. Lopez later admitted to police that he and his co-defendants traveled to 91 Newton Street to confront a man who had attempted to rape his female friend. Mr. Lopez explained that after a verbal and physical altercation, he shot Mr. Marte multiple times.

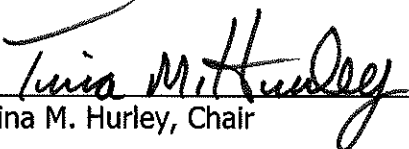
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain 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).

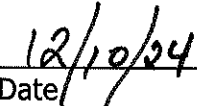
DECISION OF THE BOARD: Luis Lopez was 18 years old at the time of the murder, and has been incarcerated for the past 18 years. He has had no disciplinary reports in the past 10 years, and his last disciplinary report for an act of violence was 11 years ago. Since his last appearance before the Board, Mr. Lopez has completed numerous programs, addressing issues related to empathy, violence intervention, and impulsivity. Mr. Lopez has maintained continual employment and is more than halfway to completing his Barber Degree. He has completed HiSET. Mr. Lopez has a solid reentry plan and strong family and community support. The Board has considered Mr. Lopez's age at the time of his offense. Mr. Lopez has a comprehensive release plan to assist him with a positive reentry. Mr. Lopez's family members spoke in support of parole. Hampden County ADA Michael Julian spoke in opposition to parole. The Board concludes by unanimous decision

that Mr. Lopez has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for program; Curfew - must be at home between 10 PM & 6 AM for first six months; Electronic monitoring for first six months; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and must follow recommendations; Counseling for transition issues; Long Term Residential Program.

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