

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

LUIS LOPEZ

W91988

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 26, 2021

DATE OF DECISION: July 6, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

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.

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.

II. PAROLE HEARING ON AUGUST 26, 2021¹

Luis Lopez, now 33-years-old, appeared before the Board for his initial hearing on August 26, 2021. He was represented by student attorneys from Harvard University Law School's Prison Legal Assistance Project. In his opening statement, Mr. Lopez apologized to both the Marte family and his own, as well as the community at large, and accepted full responsibility for the murder of Mr. Marte. Upon Board Member questioning, Mr. Lopez explained that he believed Mr. Marte had attempted to rape his female friend, who was also his co-defendant's sister-in-law. When asked by the Board if he is confident that Mr. Marte was, in fact, the man who committed the assault, Mr. Lopez responded: "I don't know if he did or didn't do it... to this day." The Board noted that Mr. Lopez initially told police that one of his co-defendants shot Mr. Marte, but later admitted that he had committed the crime. Mr. Lopez stated that he originally did not accept responsibility for the murder. He decided to tell the truth when he could no longer "live with the guilt" of what he had done.

Mr. Lopez has had a problematic institutional adjustment, incurring approximately 20 disciplinary reports early in his incarceration. The most significant infraction involved an August 2013 assault on another inmate that resulted in an 18 month Disciplinary Detention Unit commitment. The Board, however, acknowledged an improvement in his adjustment, noting that Mr. Lopez began meaningful rehabilitation a few years before this hearing. He has completed programs to include Criminal Thinking, Jericho Circle, and the Restorative Justice Retreat. Mr. Lopez told the Board that he is interested in additional vocational training, so that he will have better employment opportunities, if released.

The Board considered the testimony of Mr. Lopez's mother in support of parole. The Board also considered a letter in opposition to parole from the Hampden County District Attorney's Office.

III. DECISION

¹ The entire video recording of Mr. Lopez's August 26, 2021 hearing is fully incorporated by reference to the Board's decision.

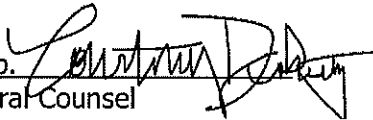
The Board is of the opinion that Luis Lopez has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Lopez was 18-years-old when he shot and killed Jose Marte. He has had a difficult initial adjustment. He served time in the DDU (Disciplinary Detention Unit) for an aggravated assault on another inmate. Since his transfer to MCI-Norfolk in 2018, he began engaging in rehabilitative programming to include Restorative Justice Retreat, Jericho Circle, and Criminal Thinking. He is currently pursuing his Hi-Set and is a unit runner. He is encouraged to maintain a positive adjustment, complete Hi-Set, and engage in vocational training.

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

Mr. Lopez's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Lopez to continue working toward 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.

/s/ Pamela Murphy p.p.
Pamela Murphy, General Counsel



7/6/22
Date