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DECISION
IN THE MATTER OF

LUIS SANTIAGO

W67813

TYPE OF HEARING: Review Hearing
DATE OF HEARING: December 15, 2015
DATE OF DECISION: May 9, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, age of the inmate at the time of the 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 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 March 3, 2000, in Plymouth Superior Court, Luis Santiago was convicted of the second degree murder of Alejandro Host, as well as unlawful possession of a firearm and armed assault with intent to kill. A sentence of life in prison, with the possibility of parole, was imposed on Mr. Santiago for the murder of Mr. Host. Mr. Santiago was sentenced to a term of not more than 5 years and not less than 4 years in prison for his conviction of armed assault with intent to kill. This sentence was ordered to be served concurrently with his life sentence. Mr. Santiago was also sentenced to a term of not more than 2 years and not less than 1 year in prison for his conviction of unlawful possession of a firearm. This sentence was ordered to be served concurrently with his life sentence and from and after his sentence of not more than 5

years and not less than 4 years for his conviction of armed assault with intent to kill. Mr. Santiago is currently 37 years old.

During January of 1997, Mr. Santiago was living in New Bedford. On the evening of his death, January 26th, 1997, Mr. Host was at home with his daughter, when Mr. Santiago and Adam Colon knocked on his apartment door. The purpose of Mr. Santiago's visit was to collect money owed to him by Mr. Host. Mr. Santiago had visited the apartment earlier that day, at approximately 1:00 or 1:30 AM, when he knocked on Mr. Host's door for approximately five to eight minutes, but eventually left after receiving no answer.

The door was answered by Mr. Host's daughter, who left it open as she went back into the apartment to retrieve her father. Mr. Santiago, however, pushed her aside and stepped through the doorway. Mr. Santiago confronted Mr. Host inside the apartment and demanded that he come out into the hallway immediately.

Mr. Host stepped out into the hallway with Mr. Santiago and Mr. Colon. An argument broke out and Mr. Host and Mr. Santiago began to struggle. Mr. Host yelled out: "Don't shoot, there are kids in the house". Mr. Santiago then fired two shots, one of which penetrated Mr. Host's abdomen and exited out his back. Mr. Host immediately collapsed in the hallway as Mr. Santiago and Mr. Colon fled the scene. Both men, however, were arrested within minutes of the shooting. At the time of his apprehension, Mr. Santiago was found to be in possession of a .38 caliber pistol. Subsequent investigation matched the pistol in Mr. Santiago's possession to a bullet fired in the hallway outside Mr. Host's apartment.

Mr. Host was tended to by a neighbor, who drove him to the Brockton hospital. During the ride, Mr. Host stated: "I can't believe that it was a robbery." Mr. Host underwent surgery and recuperated at the hospital until he was released on February 3, 1997. Two days later, Mr. Host collapsed and died on February 5, 1997. An autopsy revealed the cause of Mr. Host's death to be a pulmonary embolism that had formed in his leg and migrated to his heart, causing the flow of blood to his lungs to be blocked off.

II. PAROLE HEARING ON DECEMBER 15, 2015

Mr. Santiago came before the Parole Board on December 15, 2015 for a review hearing. He is currently 38 years old. This was his second appearance before the Board. Mr. Santiago's initial appearance before the Board in December 2011 resulted in parole being denied. Mr. Santiago was represented by Attorney John Rull during his appearance before the Board.

Mr. Santiago gave an opening statement to the Board, in which he apologized for his actions and expressed remorse. During the course of the hearing, he spoke about the night of the murder. According to Mr. Santiago, he murdered Mr. Host over a drug debt. Mr. Santiago explained to the Board that at this point in his life he was dealing crack cocaine to support himself, his girlfriend, and their two children. In order to protect himself, Mr. Santiago carried a firearm on a regular basis. Mr. Santiago also had a daily addiction to crack cocaine and marijuana. According to Mr. Santiago, at least half of the money he made from drug dealing was spent on his own addiction.

Mr. Santiago explained the events that occurred in the days leading up to Mr. Host's death. According to Mr. Santiago, Mr. Host was one of the many suppliers he used to purchase crack cocaine at whole sale prices. A few days prior to his murder, Mr. Host had been given \$375 by Mr. Santiago for one half ounce of crack cocaine. At this point in their relationship, Mr. Host had supplied Mr. Santiago with cocaine on at least ten prior occasions. Mr. Santiago planned to use a portion of the cocaine he purchased from Mr. Host for his own personal needs and to turn a profit by selling the remainder through street level drug transactions. Mr. Host

and Mr. Santiago agreed that the cocaine could be picked up from Mr. Host's home later in the day.

When Mr. Santiago arrived at Mr. Host's apartment to pick up the cocaine, it was not there. Nor could Mr. Host refund Mr. Santiago's \$375 as it had already been given to Mr. Host's own supplier in order to purchase the crack cocaine on Mr. Santiago's behalf. Mr. Host reassured Mr. Santiago that they still had a valid deal and to simply come back later, after more time had passed. In the days that followed, Mr. Santiago made multiple attempts to collect the cocaine or his money from Mr. Host, all of which were unsuccessful.

On the evening immediately preceding his murder, Mr. Santiago attempted to confront Mr. Host at his home when Mr. Host refused to open the door to his apartment. After being refused entry by Mr. Host, Mr. Santiago left the area without incident. Mr. Santiago remained in the neighborhood, spending the night at a nearby friend's house.

The following evening, Mr. Santiago returned to Mr. Host's apartment with a friend. During the day, which was Super Bowl Sunday, Mr. Santiago socialized with friends and smoked crack cocaine. At the halftime show, Mr. Santiago left his friend's residence on foot and walked to Mr. Host's home with another friend who had agreed to accompany him. Mr. Santiago was armed at the time. When asked by the Board, Mr. Santiago explained that he had waited until that evening to return to Mr. Host's apartment because his friend was unavailable until that time. Upon arrival, Mr. Santiago went upstairs to Mr. Host's door while his friend stood on the porch downstairs. Mr. Host's 10 year old daughter answered the door. According to Mr. Santiago he entered the apartment and walked past Mr. Host's daughter in the hallway, after she left the door to the apartment open. Mr. Santiago entered the kitchen where family and friends of Mr. Host were gathered.

Mr. Santiago and Mr. Host then exited the apartment into the hallway where Mr. Host told Mr. Santiago that his own supplier had been arrested and that Mr. Santiago's crack cocaine had been seized by the police. Mr. Santiago explained to the Board he was angered by this news and got physically closer to Mr. Host, who then yelled out for help from a friend who was on the other side of the front door to his apartment. Mr. Santiago explained to the Board that he felt threatened by this and drew his pistol. Mr. Host then offered to pay Mr. Santiago the \$375. When Mr. Santiago became momentarily distracted, Mr. Host grabbed Mr. Santiago's gun, causing it to go off. Mr. Santiago then fired a second shot at Mr. Host and ran up the stairs to the third floor landing.

Mr. Santiago told the Board that he did not intend to fire the first shot, but did intend to fire the second shot in order to make Mr. Host let go of his wrist. Mr. Santiago stated he did not have the intention to shoot Mr. Host when he took him to the hallway. Mr. Santiago stated he did intend to physically intimidate Mr. Host to get the drugs or money. Mr. Santiago stated he had done this in the past, either by taking out his gun or through body language, in order to collect drug debts from other dealers to whom he had provided drugs for re-sale on consignment. Mr. Santiago and his friend fled the scene and were arrested shortly thereafter at a 24 hour convenience store.

Mr. Santiago discussed his parole plan with the Board. To prepare himself for release, Mr. Santiago explained that he had obtained a General Equivalency Degree and participated in vocational training during his time in custody. Mr. Santiago also described a job opportunity as a maintenance worker with a hotel chain. Mr. Santiago told the Board he would like to pursue these opportunities after completion of a step down program in a minimum security facility. Mr. Santiago also explained his hope to contribute to the community through counseling at risk youth and to seek counseling he needed as well, such as Alcoholics Anonymous / Narcotics Anonymous (AA/NA).

In addition to Mr. Santiago, the Board also received live testimony from numerous witnesses, both in support of and in opposition to Mr. Santiago's petition for parole. The Board considered testimony from Mr. Santiago's mother and sister, who expressed support for his release. The Board also received and considered testimony from Mr. Santiago's potential future employer. Testimony from Mr. Host's daughter and ADA Jessica Heaton, of the Plymouth County District Attorney's Office, was also taken under consideration.

III. DECISION

The Board is of the opinion that Mr. Santiago has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming would be beneficial to Mr. Santiago's rehabilitation.

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. Santiago'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 whether risk reduction programs could effectively minimize Mr. Santiago's risk of recidivism. After applying this standard to the circumstances of Mr. Santiago's case, the Board is of the unanimous opinion that Mr. Santiago is not yet rehabilitated and therefore does not merit parole at this time.

Mr. Santiago's next appearance before the Board will take place in three years from the date of the review hearing related to this decision. During the interim, the Board encourages Mr. Santiago to continue working towards 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.


Gloriann Moroney, General Counsel

5/9/16
Date