

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

LUIS SANTIAGO

W67813

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **December 18, 2018**

DATE OF DECISION: **September 5, 2019**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe,¹ Paul Treseler

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, 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 a suitable candidate for parole. Parole is granted to Interstate Compact Florida with special conditions, but not before completion of 18 months in lower security.

I. STATEMENT OF THE CASE

On March 3, 2000, in Plymouth Superior Court, Luis Santiago was found guilty by a jury of the second-degree murder of 49-year-old Alejandro Host and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Santiago was convicted of armed assault with intent to kill and unlawful possession of a firearm. He was sentenced to 4-5 years and 1-2 years, respectively, to run concurrent with his life sentence. The sentence for unlawful possession of a firearm was to run from and after the sentence for armed assault with intent to kill.

¹ Board Member Soto-Abbe was present at the hearing, but was not a Board Member at the time of vote.

On the evening of January 26, 1997, Mr. Host was at home with his daughter, when Mr. Santiago and Adam Colon² 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 (between 1:00 and 1:30 a.m.), when he knocked on Mr. Host's door, but left after receiving no answer. On the evening of January 26, 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 to the hallway immediately, where an argument and struggle ensued. 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. On February 5, 1997, Mr. Host succumbed to his injuries.

Mr. Santiago and Mr. Colon immediately 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.

II. PAROLE HEARING ON DECEMBER 18, 2018

Luis Santiago, now 41-years-old, appeared before the Parole Board for a review hearing on December 18, 2018 and was represented by Attorney John Rull. Mr. Santiago was denied parole after his initial hearing in 2011, and after a review hearing in 2015. In his opening statement to the Board, Mr. Santiago apologized to Mr. Host's family for "robbing [them] of [their] relationship" with their loved one. He stated that he takes full responsibility and recognizes how the impact of his choices led to Mr. Host's death. Mr. Santiago told the Board that his actions "devalued the life of Mr. Host, his family, [Mr. Santiago's] family, the community, and [Mr. Santiago] himself."

Mr. Santiago described the "unmanageable" lifestyle he was living at the time of the governing offense as one fueled by selfishness, anger, and drug addiction. This lifestyle, coupled with his "warped thinking," contributed to his carrying of a firearm (as he did on the night of the murder), as well as the shooting of Mr. Host, in his home, with no regard for the others present. He explained that all he cared about was getting the money and drugs that he felt he was owed. Board Members questioned Mr. Santiago as to whether his view of the crime has changed over the course of 22 years of incarceration. Though he always admitted that he shot Mr. Host, Mr. Santiago explained that, for many years, he believed he did not commit murder because he had not intended to kill Mr. Host. He realized, however, that he needed to stop blaming "district attorneys, doctors, others" for the choices he made that undoubtedly resulted in Mr. Host's death. Mr. Santiago told the Board that he now "fully owns" the harsh reality that he is "100% responsible" for the death of Mr. Host.

The Board noted that Mr. Santiago has not been found guilty of any disciplinary infractions since 2006, and has completed 70 programs (including Restorative Justice, Alternatives to Violence, Project Youth, and Anger Management) throughout his incarceration.

² Co-defendant, Adam Colon, was tried with Mr. Santiago and was acquitted after a Motion for a Required Finding of Not Guilty. Co-defendant, Guy Waters, had the charges against him dismissed in the Brockton District Court.

Mr. Santiago explained that the programs "bent, broke, and rebuilt" him, giving him insight to the ripple effects that his crime caused Mr. Host's family, especially his daughter (who was present on the night of the murder). Mr. Santiago credited his 22 years of sobriety, as well as his full commitment to education and programming, for his positive institutional adjustment. When asked by the Board what distinguishes him from other inmates, Mr. Santiago stated that, despite his "character defects," he has never given up on himself and is aware that he will always need help. He recognized that he had "created a lot of disadvantages" for himself as a young man, by choosing a lifestyle that prevented him from becoming educated or skilled in the workforce. To remedy this, Mr. Santiago earned his GED, enrolled in college equivalent courses, and has been employed in multiple fields throughout his incarceration.

Mr. Santiago presented a parole plan to include a gradual transition into society through a step down to lower security. He then plans to move to Florida to live with his family. The Board noted that Mr. Santiago has already secured a job in the event he was granted parole. Mr. Santiago ensured the Board that he would rely not only on his family, but also his friends, his church, and the sober community to ensure a successful reentry into society.

Mr. Santiago's mother, brother, sister, and friend testified and submitted letters in support of parole. The Board considered letters of support from Mr. Santiago's pastor, step-father, sister, and friend. The Board also considered Mr. Host's daughter, who testified in opposition to parole. Plymouth County Assistant District Attorney Keira Kelley testified and submitted a letter in opposition to parole.

III. DECISION

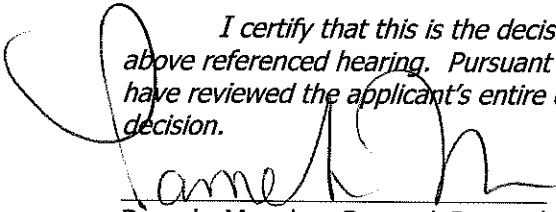
The Board is of the opinion that Luis Santiago has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He has invested in rehabilitative programming to address his causative factors. Parole, after a gradual transition through lower security, meets the legal standard.

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 a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Santiago's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Santiago's case, the Board is of the opinion that Luis Santiago is rehabilitated and, therefore, merits parole at this time. Parole is granted to Interstate Compact Florida with special conditions, but not before completion of 18 months in lower security.

SPECIAL CONDITIONS: Approve home plan before release - Interstate Compact Florida; Waive work for 2 weeks; Must be at home between 10 pm and 6 am or at PO's discretion; GPS at PO's discretion; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, 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 adhere to plan; Must have mental health counseling for adjustment/transition.

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.



Pamela Murphy, General Counsel

9/5/2019
Date