

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

MANOLO SALAZAR

W88360

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: February 27, 2020

DATE OF DECISION: October 1, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 September 22, 2006, after a jury trial in Suffolk County Superior Court, Manolo Salazar was convicted of first-degree murder in the death of Carlos Cruz. He was sentenced to life in prison without the possibility of parole. On appeal, the Supreme Judicial Court vacated the first-degree murder conviction and remanded the matter to Superior Court for sentencing on a charge of second-degree murder.¹ On February 22, 2019, in Suffolk County Superior Court, a life sentence with the possibility of parole was imposed.

¹ *Commonwealth v. Salazar*, 481 Mass. 105, 112 N.E.2d 781 (2018).

On January 31, 2005, members of the Boston Fire Department found Manolo Salazar at their door, covered in blood. An ambulance was called, shortly thereafter. Initially, Mr. Salazar became combative and, as a result, was handcuffed by paramedics before being transported to the hospital. He suffered only a minor hand injury, despite being covered in blood. Mr. Salazar was uncooperative with police, giving a series of inconsistent statements. Upon learning his address, the police went to Mr. Salazar's home in Dorchester. Carlos Cruz was found dead on the floor, along with a kitchen knife with a wooden handle and serrated edge that was "drastically" bent. The autopsy confirmed that Mr. Cruz's wounds were consistent with the knife that was found, and that the cut on Mr. Salazar's hand was consistent with the murder weapon slipping from his hand. Police viewed reddish-brown stains throughout the apartment that created a trail, leading to the fire station. The reddish-brown stains were tested and identified as Mr. Cruz's blood.

Mr. Salazar denied killing Mr. Cruz, claiming that Mr. Cruz was "almost like a brother" and that they had spent the day (of January 31) together in the apartment, cooking and drinking beer. Mr. Salazar could not recall how many beers he consumed, but suggested that he was drinking from, at least, 11:30 a.m. until approximately 4:00 p.m. Mr. Salazar provided statements to police that he had fallen asleep on the couch, but was awakened by loud voices arguing in the apartment. He claimed that there were two strange men inside the apartment, arguing with Mr. Cruz. One of the men had a knife and began stabbing Mr. Cruz, causing Mr. Salazar to intervene. Mr. Salazar said that he was beaten by the two men. He fled the apartment and went directly to the fire station to find help. Mr. Salazar testified at his trial, confirming this story.

II. PAROLE HEARING ON FEBRUARY 27, 2020

Manolo Salazar, now 54-years-old, appeared before the Parole Board on February 27, 2020, for an initial hearing. He was not represented by counsel and utilized a Spanish speaking interpreter. In his opening statement to the Board, Mr. Salazar asked for forgiveness from his own family, the Cruz family, and the community. He expressed his "sincere remorse" for the murder of Mr. Cruz, taking full responsibility for the crime. Mr. Salazar addressed the victim's children and wife, stating that he "fe[el]t sad, ashamed, and destroyed because [he] destroyed [their] future." He also acknowledged and apologized for the "loss, trauma, and irreparable pain" that resulted from his actions.

Board Members questioned Mr. Salazar as to the details leading up to the governing offense. Mr. Salazar explained that, despite having no recollection of the murder, he remembers being at his apartment, where Mr. Cruz had been renting a room. The two men were cooking and drinking all day. Mr. Salazar told the Board that his last memory was around 11:00 a.m. and, at that point, he lost track of how much he drank. He remembers waking up in the hospital, but not knowing why he was there. Mr. Salazar claimed that he does not remember going to the fire station or telling the police about two men, who entered his apartment and stabbed Mr. Cruz. When Board Members asked for clarification, Mr. Salazar reluctantly admitted that his initial statements to the police were dishonest, stating that he did not make those statements "consciously," as he was still intoxicated at the time. When asked how he felt upon discovering that he was the one who killed Mr. Cruz, Mr. Salazar believed that "this could not have been possible," as Mr. Cruz was "his friend, his brother and a wonderful person."

Board Members inquired as to Mr. Salazar's trial testimony, noting that, despite being confronted with the evidence, Mr. Salazar lied on the stand. At trial, Mr. Salazar testified that his original statements to the police were true. When Board Members asked why he testified to statements that he had no memory of making, Mr. Salazar explained that once the trial attorney showed him the documents, he stated, "If that's what I said, that's what it's going to be," regardless of whether or not he remembered making such claims. Board Members expressed concern over Mr. Salazar not fully appreciating the significance of perjuring himself on the stand. Mr. Salazar asserted that he was doing what his attorney had told him to do. He also stated, "I don't think anyone else committed this crime."

When the Board questioned his history of substance abuse, Mr. Salazar admittedly referred to himself as an alcoholic. He indicated, however, that he has not consumed alcohol since the night of the governing offense. He stated, "That part of my life has died." The Board acknowledged Mr. Salazar's commitment to sobriety, which is demonstrated through his weekly participation in AA. Mr. Salazar explained that he first began drinking with co-workers, as a young adult in Guatemala. His drinking increased significantly and, when he moved to the United States, it became problematic. Around the time of the murder, Mr. Salazar would consume approximately 10 beers a day during the work week and would double his consumption on the weekend. To avoid withdrawal symptoms, he would consume two beers upon waking and, often, went to work smelling of alcohol. When questioned as to whether he had ever been violent in the past, while intoxicated, Mr. Salazar could not say for sure, but admitted that people would tell him what he did the following day. When the Board asked, specifically, as to the behavior that would be described to him, Mr. Salazar stated, "I would dance by myself, I would shake people's hands that I did not know, and sometimes I would fall down on the dance floor." When asked again as to whether or not he became violent, Mr. Salazar admitted that the only person who indicated that he was violent, while intoxicated, was his other roommate. His other roommate testified at trial that Mr. Salazar would break things in the apartment, often talk about using a machete, and once aggressively banged on his door, falsely claiming that there was a thief inside.

The Board discussed Mr. Salazar's institutional transition, noting that he has received only two minor disciplinary report throughout 15 years of incarceration. Mr. Salazar's programming efforts include the following weekly programs: Alternatives to Violence ("AVP"), Restorative Justice, Nuestra Familia, and AA meetings (both in English and Spanish). Additionally, Mr. Salazar told the Board that he attends church every Sunday and works as a stitcher five days a week, for which he receives positive work reports. Mr. Salazar said that he is waiting for ESL classes to be reinstated for inmates who work during the day. His positive institutional transition was noted by the Board.

Boston Police Commissioner William Gross submitted a letter in opposition to parole.,

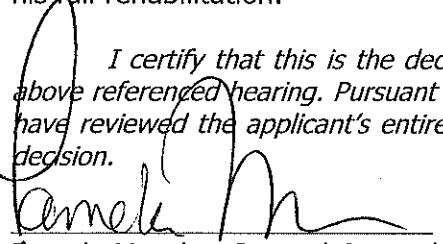
III. DECISION

Mr. Salazar has served approximately 15 years for stabbing Mr. Cruz to death. Mr. Salazar minimizes the significance of perjuring himself at trial. Additionally, the Board is concerned as to the lack of candor Mr. Salazar exhibited when discussing the events leading up to the governing offense. It is the opinion of the Board that Mr. Salazar has not made a level of rehabilitative progress that would make his release compatible with the welfare of society. He is encouraged to engage in all recommended rehabilitative programming.

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

Mr. Salazar's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages him 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.


Pamela Murphy, General Counsel

10/1/2020
Date