



The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Josh Wall
Chairman

DECISION

IN THE MATTER OF

MANUEL MATOS

W54242

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 17, 2011**

DATE OF DECISION: **May 9, 2012**

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied. The next hearing will be in two years. The decision is by a vote of 5-2.

I. STATEMENT OF THE CASE

After a night of drinking alcohol and using drugs in his own Brockton apartment, Manuel Matos killed his friend Ruben Carillo Aumada, age 35, by shooting him once in the head on December 15, 1991. Matos hosted a party with a group of friends on that night; two of the guests were asleep in the apartment at the time of the shooting. The gunshot awoke one of the guests, who ran into the kitchen and saw Matos with a gun in his hand and the victim on the floor bleeding from the head. Matos was arrested two days after he shot Mr. Aumada; Matos gave a statement to the police in which he falsely claimed that the victim shot himself.

Matos took the case to trial and presented to the jury the false claim of suicide. The jury heard evidence from the witness who saw Matos with the gun standing over the victim and from the medical examiner who concluded that the shot was not self-

inflicted. The jury convicted Matos of second-degree murder on April 2, 1993. Matos' appeal was denied in 1994, and a motion for new trial was denied in 2005.

The inmate was 33 years old at the time of the murder and 53 years old at the time of this hearing. He lived most of his life in the Dominican Republic; he entered the United States illegally 18 months before the murder. He does not have any other criminal record in this country; he says he has no arrests in the Dominican Republic.

II. PAROLE HEARING ON MAY 17, 2011

At his first parole hearing in 2007, Manuel Matos asserted that he was wrongly convicted because the victim shot and killed himself. His assertion was inconsistent with the evidence and the jury verdict. By a vote of 5-2, the Parole Board denied parole because the inmate's false claim prevented him from "reducing his risk to the public [because] he has not made strides in accepting and understanding what caused him to act so violently in the first place." He was given a review in four years.

At this parole hearing, Matos finally told the truth about his actions. He said, "my heart is ready to be clean; it is true I was telling lies." Matos described the events that led to the murder. He, the victim, and two other friends were at Matos' apartment drinking heavily and using cocaine and marijuana throughout the evening. Matos used drugs in his home country, and began selling drugs when he came to the United States. He had a gun, which he obtained four months before the murder. He showed the gun to his friends several times on the night of the murder. The inmate acknowledged he was highly intoxicated at the time of the murder and acted irrationally. He said that the victim asked him for drugs; Matos said he responded by saying "no" and shooting the victim. The inmate said, "it doesn't make sense, but I was on drugs."

The inmate admitted that his trial strategy, his appeal, and his motion for new trial were based on his lies. He acknowledged that his lies caused additional pain to the victim's family members who had to endure the lies that attributed all fault to the victim.

The inmate's institutional record is very good. He has only two disciplinary reports; the last one was for fighting with another inmate in 2000. He has been at MCI-Norfolk for nearly all of his incarceration. He has worked during most of this period, and has been employed in the metal shop since 2004. He receives satisfactory work and housing evaluations. He has completed several programs, including Correctional Recovery Academy and Alternatives to Violence. He participates in AA/NA, 12 Step/Big Book, and Catholic and Bible religious studies.

Matos has many relatives in the Dominican Republic, including four adult children and 16 grandchildren. Matos seeks to return to the Dominican Republic if paroled. There is an ICE detainer that would ensure his departure if released. A relative of the inmate's and one friend spoke in support of parole. There were no opponents present. The Plymouth County District Attorney submitted a letter opposing parole.

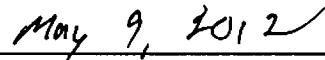
III. DECISION

Matos' told lies when he was arrested, and then based his trial strategy and his appeals on those lies. Not only did he deny culpability, but he also assigned all blame to the victim. He repeated the lies at his first parole hearing in 2007. It is difficult, and perhaps impossible, for an inmate to establish rehabilitation when he cannot admit to any criminal thinking or criminal behavior connected to the crime. Because of the failure of rehabilitation attributable to the denial of culpability, parole is denied. Fortunately for Matos, his "heart is ready to be clean" and he has finally admitted what the evidence shows and the jury verdict established. Matos has used his time productively in prison, and has demonstrated good behavior and program participation. Admitting the facts of the crime is usually one of the first steps on the road to rehabilitation; for Matos it comes well into the journey, and should give him an opportunity to make strides in the coming years. Because Matos appears poised for substantial progress, his review will be in two years. The denial is by a vote of 5-2. Mr. Michel and Dr. Bonner were in favor of a parole due to the inmate's good conduct in prison, program participation, lack of prior criminal involvement, and their conclusion that 19 years of imprisonment was sufficient for the inmate's rehabilitation.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Josh Wall, Chairman



Date