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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

STEVEN MATTOS
W60443

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 28, 2015

DATE OF DECISION: June 3, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, 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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by a vote of six to one that the inmate is a suitable candidate for parole.¹ Parole is granted to a long term residential program, with special conditions, after successful adjustment to one year in lower security.

I. STATEMENT OF THE CASE

On April 12, 1996, in Bristol Superior Court, Steven Mattos was convicted of murder in the second degree and sentenced to life in prison for the death of Timothy Lamere. He was also convicted of leaving the scene of an accident, resulting in death, and received a concurrent one year sentence.

In the early morning hours of August 1, 1995, Mattos, then age 37, intentionally drove a 1979 Dodge pickup truck and struck Mr. Lamere, age 21. Mr. Lamere suffered severe, and ultimately fatal, injuries. Mr. Lamere was taken to an area hospital and then flown to Brigham and Women's Hospital in Boston, where he died as a result of his injuries.

¹ One Board Member voted to deny parole with a review in two years from the date of this hearing.

Mattos had spent the evening drinking beer at several locations in the New Bedford area. He and a friend then left a bar in search of cocaine. Mattos, while driving his business partner's truck, engaged in a heated argument with a group of people he had never met before, including Mr. Lamere. The argument was about Mattos being unable to drive his truck around a car that was double parked. Mattos yelled at the woman in the car, and Mr. Lamere was among the group of men who came to defend the woman sitting in the double parked car. After Mattos managed to drive past the group of people, he then turned the truck around, cut off a small car, and drove into a nearby gas station lot, traveling at an estimated speed of 40 to 50 miles per hour. At this point, Mr. Lamere was standing on the sidewalk next to the gas station. After turning into the lot, Mattos gunned his engine and deliberately ran over Mr. Lamere. Upon impact, Mr. Lamere was thrown approximately 40 feet into the air and landed on an adjacent road. Witnesses in the truck with Mattos stated that while this ordeal was occurring, Mattos said, "I'm going to get these [expletive]." After hitting Mr. Lamere, Mattos fled the scene.

Mattos had a minor criminal history before the murder. In 1982, he was arrested for possession of marijuana, malicious destruction of real property, and disorderly conduct, but he was not prosecuted on any of these charges. In 1985, he paid a fine for disturbing the peace. He has a criminal history in Georgia involving a 1978 offense for possession of marijuana. In addition, he indicated that he had an OUI conviction in New Hampshire in September 1990 and was arrested for assault and resisting arrest. It appears that no further action was taken following his arrest.

Mattos has a total of four disciplinary reports on his record, three of which were for contraband issues that included possession of glue in 2004, razor blades in 2006, and a frozen block of water in 2008. In 1996, at the outset of his incarceration, Mattos incurred his first disciplinary report for refusing to stand for count. The 2008 disciplinary report for contraband is the most recent infraction. He currently receives good housing and work evaluations.

Mattos has been involved in institutional and educational programming. He earned certificates from the Chaplains Discussion Group, Basic Drafting Techniques, Second Thoughts Program, Prison Fellowship, Vocational Welding, Problem Solving & Thinking Skills, Boston University First Year, Men in Recovery, Parenting Program, Alternatives to Violence I & II, Fatherhood Graduate Maintenance Program, Emotional Awareness/Emotional Healing, Reentry Services Program, and has regularly attended AA & NA meetings since 2000. He is also involved in the 12 Step Program.

This is Mattos' third appearance before the Board. His initial hearing was in 2011, after which the Board denied parole with a review hearing in 3 years. At his 2014 hearing, Mattos was much more forthcoming and insightful than in his initial hearing. He characterized his performance in the first hearing as "terrible," observing that he minimized his actions and his role and that he assigned much of the responsibility to the people that he was with, rather than taking responsibility for his anger and the resulting violence. In his 2014 hearing, he attributed his problems to alcohol abuse and anger and acknowledged that he was to blame for what he did. Four Board Members voted in favor of granting Mattos a parole to a long term residential treatment program, after one year in lower security. However, by statute, he needed five votes to be granted parole. Two of the Board Members who voted against granting him parole urged him to complete programming designed to address his anger issues, including two programs for

which Mattos was waitlisted at the time of the hearing. The other Board Member suggested that Mattos participate further in programming that enabled him to offer insight in a more forthright manner. The 2014 split-vote resulted in a denial with a one year setback, thus requiring a hearing in 2015.

Mattos stated that substance abuse programming has been an important part of his prison activity, including 14 years in AA and NA and participation in Men in Recovery, Jericho Circle, ABLE Minds, and the Restorative Justice Retreat. He said that he just started Violence Reduction and has "submerged" himself in rehabilitative efforts. He also detailed his prison work history as a janitor and his participation in a welding program in prison, receiving a license. He mentioned that in the community, he worked in carpentry, framing, and sheet rocking. He also reported that he worked at Goodyear for eight years.

II. PAROLE HEARING ON APRIL 28, 2015

In his introductory remarks, Mattos repeated his regret for past actions and the "heartache, pain, suffering and emotional grief" that he inflicted upon the victim's family. He said that his behavior was partly based on alcohol abuse and partly based on rage. He had been bullied as a child, causing depression, anger and resentment. He also said that he hadn't developed adequate anger management, conflict resolution, and problem solving skills. He said that, through program participation, he has made progress in those areas and now has more insight. He said that he wished he could take back what he did on August 1, 1995.

Mattos said that he took to heart what the Board had suggested at the last hearing. Since the 2014 hearing, he has participated in Violence Reduction, Path to Freedom, and Computer Skills and has completed three phases of Cognitive Behavioral Skills. In his written submissions to the Board, he detailed his program participation and the insight he gained from each program. He said he felt (based on the message he received from the Board) that he needed to further concentrate on the causes of his anger and violence. He feels that his recent program participation indicates that he has done that. He also said that he applies the tools he has gained on a frequent basis in his interactions in prison. Mattos also informed the Board that when he is on the street, he plans to continue participating in programs that address substance abuse and anger management.

Appearing in support of Mattos was John Lima, a middle school assistant principal and childhood friend, who said that Mattos discussed with him insights he gained through his program participation while in jail. Mattos' daughter, Elisha Mattos, stated that she has seen her father work to improve himself in prison and that he has provided guidance to help her deal with issues she has confronted. Joseph Spengler, a friend, testified that Mattos has expressed that he takes responsibility for the crime and has worked on how he deals with conflict.

Speaking in opposition was David Lamere, Mr. Lamere's brother, who testified about the trauma of having witnessed the crime and having his brother die in his arms. Additionally, Mr. Lamere's niece, daughter, cousin, and sister each detailed the loss the family has felt from the death of Mr. Lamere. They expressed the view that if a person took a life, their sentence should be for life and that Mattos should not be paroled. Also speaking in opposition was Bristol County Assistant District Attorney Dennis Collins, who stated that Mattos did not directly answer questions and was not suitable for parole.

III. DECISION

At his 2014 hearing, Mattos was urged by Board members to complete programming designed to address his anger issues, to engage further in programming, and to be prepared to address the Board's questions and offer more insight in a more forthright manner. He did so, detailing his program involvement orally and in writing and in his written materials, detailing the insight he gained from each program. In addition, Mattos continues to maintain a strong support system to assist him with a positive re-entry into the community. Mattos addressed the concerns that were outlined by specific Parole Board Members in his previous hearing.

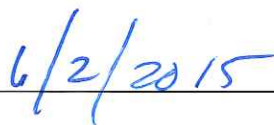
The standard we apply in assessing candidates for parole is set out in 120 CMR 300.04, which provides that, "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." By statute, granting of parole is accomplished only when the Board Members, by a two thirds majority, vote to grant a parole. Mattos received a split decision in 2014. Based on his continued improvement to rehabilitation, and evidence that he has gained from his investment in self-improvement, the Parole Board concludes by a vote of six to one that Steven Mattos meets the legal standard for parole. Parole is thus granted to a long term residential program, with special conditions, after successful adjustment to one year in lower security.

SPECIAL CONDITIONS: Reserve to a long term residential treatment program after one year in lower security; work will be waived for the long term residential treatment program; curfew imposed at the discretion of the parole officer; no drug use or alcohol use, with testing for compliance and in accordance with agency policy; no contact with victims family; substance abuse evaluation for drugs; counseling for adjustment, transition and anger issues; GPS at the discretion of the Parole Officer; report to Parole Office on the day of release.

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.



Peter Mimmo, Staff Attorney



Date