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DECISION

IN THE MATTER OF

VALDOMIRO GASPAR

W69313

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: June 3, 2014
DATE OF DECISION: January 22, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe, Josh Wall

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 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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 2, 1999, Valdomiro Gaspar, then 58 years old, murdered his girlfriend, Michele S. Gregory, age 36, who resided with him in Fall River, Massachusetts. On March 27, 2001, Gaspar was sentenced to life imprisonment in Bristol Superior Court, after pleading guilty to second degree murder. There were no co-defendants. Gaspar was ordered to be removed from the United States to Portugal, pursuant to a December 11, 2001 order by an immigration judge. If paroled, Gaspar would be turned over to federal authorities.

On August 3, 1999, Fall River police officers found Ms. Gregory on the basement floor. Ms. Gregory was lying on her stomach with a large amount of blood beneath her. She suffered from at least eleven stab wounds to her front and back and defensive wounds to her arms. One of Gaspar's daughters had become worried when she had not seen or heard from Gaspar for a full day. After she visited the apartment and discovered Ms. Gregory, authorities were

alerted and searched for Gaspar. Officers located him inside the men's room of a Fall River tavern with self-inflicted injuries to his head. While being treated at the scene, authorities overheard Gaspar state in broken English, "Yesterday I crazy, crazy, took knife and kill her." Gaspar continued speaking and said, "She had boyfriends, everybody, they told me she was no good, we suppose to get married, rings are getting our name, married on the sixteenth."

Gaspar was later transported to a hospital where authorities questioned Gaspar about what had happened. During questioning, Gaspar again made several incriminating statements about killing Ms. Gregory. He stated in broken English that, "I crazy, crazy, took knife and I kill her." He stated (in half Portuguese and half English) that Michele had a boyfriend in Taunton. He said, "I put red paint on lock; she would leave while I was asleep. I caught her and him last week in my house, he's lucky he ran away or I'll kill him too." Gaspar admitted to authorities that he and Ms. Gregory had been arguing over her use of a telephone and his belief that she was not faithful to him. According to Gaspar, Ms. Gregory kicked him during the argument and Gaspar responded by stabbing her (several times) to death. He then left the apartment and took the knife with him. He went to Portsmouth, Rhode Island and cleaned the knife. Gaspar then drove his truck between Fall River and Portsmouth and slept in his truck. On August 3, he went to the tavern in Fall River where police found him. He had gone to the bathroom and tried to kill himself.

II. PAROLE HEARING ON JUNE 3, 2014

Gaspar appeared at the hearing with the assistance of an interpreter. Gaspar, now age 73, testified that he arrived in the United States in 1981 from the Azores, Portugal. Gaspar settled in Fall River, Massachusetts and worked in landscaping and carpentry. When he arrived in the United States, Gaspar was already married to his wife, with whom he had five children. Gaspar testified that they had a good relationship and specifically denied any history of violence with his wife, who passed away due to illness in August 1998, after approximately forty years of marriage.

Approximately two months following the death of his wife, Gaspar testified that (at age 59) he began dating Michele Gregory. Gaspar could not recall Ms. Gregory's age at the time of the murder. When describing the murder, Gaspar offered only that he and Ms. Gregory got into an argument. Gaspar suspected that she was not faithful to him (his persistent belief and that which he reiterated at the hearing). He stated that he chased her, stabbed her, and then left. When asked to explain why he had stabbed Ms. Gregory, Gaspar could not offer an explanation and stated only that, "I was crazy. I was stupid." Gaspar acknowledged his regret over the killing, stating that he should not have committed the murder and should have simply returned to his life and work. After stabbing Ms. Gregory, Gaspar testified that he was afraid and left his victim lying on the ground.

Gaspar testified about his lack of program involvement, which is confirmed by Department of Correction records. Although Gaspar identified his limited knowledge of the English language as a barrier to program participation, he did not attend classes for English as a Second Language (ESL) in his 15 years of incarceration (despite signing up for the class). Gaspar explained that he did not participate in ESL because he was not required to do so. In addition, Gaspar stated that despite DOC records that reflect that programming was recommended, he did not participate because (according to Gaspar) staff told him that he did

not need to because he was an old man. When the Board asked him how he could expect a positive parole vote if he has not engaged in programming, Gaspar replied only that he was not aware that he had to do so. Gaspar acknowledged that following the killing, he attempted to hurt himself. Yet, Gaspar has not sought counseling and claims to have no issues with his mental health. Despite police reports indicating that he gets violent when drinking, Gaspar testified that he would only drink one or two glasses of wine with meals and had not been drinking on the day of the murder.

Gaspar testified that, if paroled, he would resume working in carpentry and live with his daughters. When asked if he were aware of his immigration status, Gaspar testified that he was unaware that he was ordered to be deported to Portugal. If he were deported, Gaspar said that he would try to find work. Gaspar said that he has no family members in Portugal and that his family supports are his daughters, who reside in Massachusetts and visit him regularly in prison.

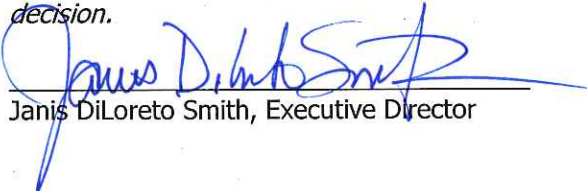
Gaspar's granddaughter testified in support. Ms. Gregory's mother, brother, daughter and son spoke in opposition. The Bristol County District Attorney submitted a letter in opposition.

III. DECISION

Valdomiro Gaspar, despite serving 15 years on a life sentence, has yet to embark on a path towards rehabilitation. Rather than take advantage of the tools made available to him, Gaspar has chosen to avoid programming, which was evident at the hearing. Specifically, Gaspar offered little, if any, insight as to the factors that lead him to murder Ms. Gregory. In addition, Gaspar lacked remorse and candor about the crime, demonstrating that he is not yet rehabilitated. Gaspar also offered no real parole plan, indicating only that he would work if released. Plainly, Gaspar must avail himself of programming during the next five years in order to address issues of anger, criminal thinking, lack of empathy, and violence.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Valdomiro Gaspar does not merit parole at this time because he is not rehabilitated. The review will be in five years from the date of this hearing, during which time Gaspar should commit to a more comprehensive rehabilitation that addresses his anger, violence, lack of empathy, and candor about the crime.

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.


Janis DiLoreto Smith, Executive Director


Date