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# *The Commonwealth of Massachusetts*

## *Executive Office of Public Safety*

### PAROLE BOARD

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Josh Wall  
Chairman

### DECISION

#### IN THE MATTER OF

#### VICTOR MORALES

**W65652**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** October 16, 2012

**DATE OF DECISION:** September 10, 2013

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

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the hearing testimony of the inmate, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

### I. STATEMENT OF THE CASE

Victor Morales appeared before the Massachusetts Parole Board on October 16, 2012, for a review hearing. This was Mr. Morales' second appearance before the Board. Following his 2010 hearing, the Board denied parole and set a two year review period, determining that Morales needed to participate in more programming to learn skills that would assist him in reducing past patterns of destructive behavior.

On November 19, 1998, Victor Morales was convicted of second-degree murder after a jury trial in Suffolk Superior Court. He was sentenced to serve life in prison. He filed a motion for a new trial in 2002, which was denied. On April 3, 2006, the Appeals Court upheld the denial of the motion for a new trial and affirmed the convictions in an unpublished opinion. *Commonwealth v. Morales*, 65 Mass. App. Ct. 1126, *rev. denied*, 447 Mass. 1102 (2006). A subsequent motion for post-conviction relief was denied in 2009. In addition, in 2008, Mr. Morales petitioned the Governor for Executive Clemency, but his request was denied.

On November 11, 1995, Morales, age 25, stabbed 19-year-old Matthew Hill to death in the Villa Victoria area of the South End of Boston. On the night of the murder, Hill was seen in the Villa Victoria area, where Morales lived. Around 11:00 p.m., Morales, who was with two other men, and Hill were arguing at a playground. The two men were holding Hill, who could not move. Morales was the only person involved in the altercation who had a visible weapon.

Morales stabbed Hill in the chest and, once he did, the two men released him. Hill put his hands to his chest, asked, "Why did you do this to me?", and started to walk away towards West Brookline Street. Morales then said, "If anybody opens their mouth the next morning, that person is going to be dead too." He was waving a knife around and yelling, "Yeah, I did it, I did it and nobody's going to do anything about it." A witness, who had known Morales for years, asked him what happened, to which Morales replied, "I stabbed that nigger." About five days later, another witness went to the police, told them what he had seen, and subsequently identified Morales in a photo array. Soon after, Morales was arrested.

Matthew Hill succumbed to his injuries a few hours after the stabbing. He died from a single, seven-inch-deep stab wound to the chest that perforated his rib, diaphragm, and liver.

## **II. PAROLE HEARING ON OCTOBER 16, 2012**

Victor Morales appeared for his second parole hearing on the life sentence he is serving for the murder of Matthew Hill. He provided information on his upbringing. He was born in the Bronx but lived most of his early childhood in Puerto Rico. He described a difficult childhood, in part due to his father's heroin addiction and his grandmother's alcoholism. He also reported that his father was abusive verbally and physically. He moved with his parents to Boston at age 10. He reported that he was bullied in Boston, which led him to become aggressive and short-tempered. He said that "I would try to fit in with the wrong crowd by hanging out with thugs, drug dealers, and even gang members, experimenting with marijuana and alcohol."

He explained his early criminal activity. "I started stealing at age 12, first taking bikes and tips on outdoor tables; I bought my first gun in 1987 and later I got a second gun; I never used a gun in a crime; I was not gang involved; I started selling drugs at 19; I stole heroin from my brother and sold it; I sold heroin, then coke, and then marijuana; I sold coke from age 19 to 25; I was selling drugs at the time of the murder." According to his trial testimony, Morales consumed two 22-ounce bottles of beer and some rum between 9:30 and 11:00 on the night of the murder, and was cutting through the park on his way to a bar. He testified that he does not have a substance abuse problem.

Board Members asked about prior acts of violence, several of which resulted in criminal charges and convictions. In 1983, he was charged as a juvenile with assault and battery with a dangerous weapon. Morales reported that "I hit a guy with a 2x4 that was made into what was almost a bat; I was 14 years old and I hit a guy who was 22 years old." He was arrested in Boston for firearm possession in 1987 and then fled to Puerto Rico to avoid the case. He returned to Boston in 1988 and pleaded guilty. He was convicted of assault and battery on a police officer in 1990. Also in 1990, he was convicted of assault and battery with a dangerous weapon in Chelsea District Court. Morales explained that "a man owed money to my brother; I took a knife out and hit him a couple of times with the back of the knife." He was charged with

a third violent crime in 1990, assault and battery with a dangerous weapon (baseball bat). Morales was charged with the murder of Ronald Mayo in 1991. He was found not guilty after trial in Suffolk Superior Court in May of 1994. Morales told the Board that Mayo was "a friend and customer; I bagged coke at his place; a guy said I confessed to him." Morales went to Florida while the Mayo murder case was pending. He was arrested in Florida in 1992 and received a two-year sentence for robbery. He was returned to Massachusetts for the Mayo trial. After the acquittal in 1994, Morales was charged again in Florida in 1995 for conduct involving robbery, dealing cocaine, and resisting arrest. Those charges were dismissed.

Morales gave the following description of the murder: "I bumped into five guys in the park; I tried to go through them; words were exchanged and it turned into a fight; I knew most of them; Edwin Acevedo punched me; I swung back and then I ran; they threw bottles and other objects at me; I got hit with some of the objects; I pulled my knife out and chased them; Wilfredo Morales grabbed a stick; they kind of surrounded me; Morales was swinging at me; Matt got stabbed." When asked, "Did you mean to stab him?", Morales said, "that's a tricky question; I think I meant to hurt him, not kill him." Morales was also asked to address a restraining order issued against him in 1995. He said, "I was living with my cousin Juan Garcia; he said something to me at a party and I smacked him."

This story is essentially the same story Morales testified to at his trial where he presented a self-defense case. A Board Member asked him, "Do you still think it is self-defense?" He responded, "that's a tricky question, I don't know; a person is dead; I could have made other choices." Later in the hearing, Morales offered a more definitive position: "it was self-defense; I was assaulted first by five guys; Hill threw garbage at me." A Board Member pointed out that Morales had never before said that Matthew Hill threw garbage. Morales acknowledged that, "I didn't see anyone throw garbage at me; he was the only one standing next to the barrel; it would be a lie if I said I saw him." When asked, he acknowledged a "stick was the only weapon they had." Morales said, "I don't believe life was the right amount of time; I should be punished but not life."

Board Members asked Morales about trial evidence that does not support his self-defense claim. He said that the independent witness who observed the altercation was wrong when he testified that two people were holding the victim when Morales stabbed him. He also denied that immediately after the stabbing he yelled a threat to kill anyone "who opened their mouth." He also denied testimony from another independent witness who said Morales stood after the stabbing standing near the scene and yelling in a defiant tone, "Yeah, I did it, and nobody's going to do anything about it." A witness testified that Morales went back to the park about an hour after the stabbing to retrieve his jacket and at that time was heard saying, "I stabbed that nigger." Morales told the Board that, "I made none of the threats; 'He took it for you all,' that's all I said." Board Members concluded that "He took it for you all" does not give the impression that the speaker acted in self-defense.

In the institution, Morales obtained his GED in 2010 and has completed the Correctional Recovery Academy in 2006, the CRA Graduate Maintenance Program in 2009, and Alternatives to Violence in 2002 and 2012. He has been a guest speaker at subsequent CRA sessions. He said that Alternatives to Violence was "the most powerful program for me, it boosted my self-esteem." In 2011 and 2012 he has participated regularly in the Project Wake-Up program which allows him to speak to young people who come into the prison. He obtained a welding

certificate in 2010 and tutors other inmates in welding. Due to enemy issues, he was out of state from 2004 through 2006. He received drywall training during that time. If paroled, he said that he could work in welding or drywall installation and that his goal would be to work with youth.

Five supporters spoke in support of parole. Members of Matthew Hill's family attended in opposition to parole, and his cousin testified on behalf of the family. The family called him Meiko. She described Meiko as "gentle and artistic, with a great sense of humor." He was starting college at Northeastern in January. His father was a pastor and his mother an executive assistant at a church. Information was provided that the Morales family put fear in the community so that witnesses were afraid to come forward.

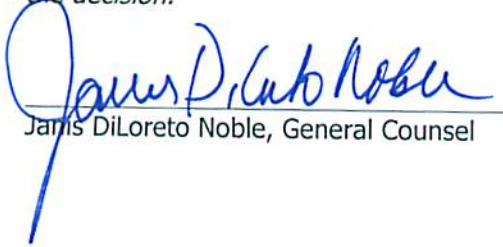
Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition to parole. He provided the following information on the murder of Ronald Mayo: Mayo was stabbed to death; Morales told police he was not at Mayo's apartment on the night of the murder; a witness testified that he called Mayo's apartment phone that night and spoke with Morales who was in the apartment; Morales' fingerprint was recovered from a piece of broken glass that may have been connected to the stabbing; Mayo's fingerprint was also recovered from the same glass; a witness named Gregory Clark told police and testified at grand jury that he saw Morales driving Mayo's car shortly after the murder and that Morales admitted the murder to him and gave detailed information about the crime; the details turned out to be accurate; another witness spoke to Clark and Clark told the same story he gave to police. At trial, Gregory Clark testified that he could not remember any of the events he described to police, the grand jury, or the witness.

### **III. DECISION**

Victor Morales has an extraordinary amount of violent conduct in his history. The record establishes a serious level of danger and risk. He has done positive things in prison, but there is clear indication that he is not rehabilitated. He fails to recognize the gravity of his violence and the difficulty in rehabilitating from that degree of antisocial behavior. One clear marker of insufficient rehabilitation is his description of the murder as self-defense. He is sticking with a story that independent witnesses do not support and that the jury did not accept. Based on the trial evidence and the jury verdict, there are good reasons to conclude that he is not truthful. At the hearing, Mr. Morales defended his conduct as though it were acceptable and justifiable. Even his version of events, however, cannot be seen as self-defense under the law of Massachusetts or as justified or morally acceptable. Mr. Morales is not rehabilitated and he has more work to do.

The standard 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 an 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, parole is denied. The review will be in five years because Mr. Morales needs more time to evaluate his own violent history, develop insight on his homicidal actions and his version of the murder, and work hard to reform his capacity for violence and reduce the risk he would present in the community.

*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 each member of the Board has reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.*

  
James DiLoreto Noble, General Counsel

  
Date