



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

VICTOR MORAN

W86969

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 12, 2017

DATE OF DECISION: July 25, 2018

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, and Lucy Soto-Abbe, Chairman Paul Treseler – recused¹

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 a suitable candidate for parole. Parole is granted to an Immigration and Customs Enforcement (ICE) detainer with special conditions.

I. STATEMENT OF THE CASE

On January 18, 2006, after a jury trial in Suffolk Superior Court, Victor Moran was found guilty of second degree murder in the stabbing death of Juan Marchante. He was sentenced to life in prison with the possibility of parole. Mr. Moran appealed his murder conviction, but the conviction was affirmed.²

On October 7, 2002, Victor Moran, 20-years-old, was working with Juan Marchante, 39-years-old, at Garden Fresh Salad Co. in Chelsea. Mr. Moran had been employed for approximately two years, while Mr. Marchante had worked there for more than 12 years. On that day, Mr. Moran was cleaning a large machine at the end of the shift. After Mr. Marchante splashed water and threw trash on the machine, the two got into a verbal argument, which

¹ Chairman Paul Treseler recused.

² *Commonwealth v. Victor Moran*, 75 Mass. 513 (2009)

then turned physical. At some point, Mr. Moran ran to another building, grabbed a 13 inch knife, and stabbed Mr. Marchante in the chest. Mr. Moran then fled the scene. The blood stained knife was found in a nearby dumpster. Shortly after being transported to the hospital, the Mr. Marchante died of a stab wound to the chest.

II. PAROLE HEARING ON SEPTEMBER 12, 2017

Mr. Moran, now 35-years-old, appeared before the Parole Board on September 12, 2017, for an initial hearing. He was not represented by counsel. In Mr. Moran's opening statement to the Board, he expressed his remorse and sympathy to the Marchante family and asked for their forgiveness. He acknowledged that he is the only person guilty in the death of their family member. Mr. Moran told the Board that he migrated to the United States from Guatemala to work with his sister when he was 17-years-old. He stated that the rest of his family is still in Guatemala, but his sister is here and visits with him. He acknowledged the ICE detainer that has been placed on him. Mr. Moran stated that if the Parole Board releases him, he would go to Guatemala and not return to the United States. He indicated that he could work on the family farm in Guatemala.

Board Members questioned Mr. Moran about the circumstances involving the murder. Mr. Moran stated that he met Mr. Marchante while working the same shift at Garden Fresh Salad Co. He described their relationship as peers, but acknowledged that they had problems. On the day of the murder, Mr. Moran and Mr. Marchante had an argument that turned physical. He stated that he came back with a knife, and they started to fight again. Mr. Moran stated, "Unfortunately, I stabbed him." After the stabbing, he said that he left the knife in a trash container. He acknowledged that there had been problems between them prior to the murder, but said, "I will never do something like this again in my life."

A Board Member noted that Mr. Moran does not have any drug or alcohol history and, at the time of the murder, he was not using any substances. Mr. Moran said that he has a child who will visit him, if he is sent to Guatemala. Mr. Moran stated that programming has taught him to leave bad situations. He also described learning many skills in custody, which would help him in the future. He completed Emotional Awareness, Jericho Circle, and Alternative to Violence programs and attended counseling in the past. He stated that he had no criminal offenses in Guatemala. Further, he does not have any disciplinary reports since being incarcerated.

Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter of opposition.

III. DECISION

The Board is of the opinion that Mr. Moran has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Moran has accepted responsibility for his actions that resulted in a loss of life. He appears to be remorseful and has engaged in programming. Mr. Moran has maintained a positive deportment. His release meets the legal standard.

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. Moran's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Moran's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Moran's case, the Board is of the opinion that Victor Moran merits parole at this time. Parole is granted to an Immigration and Customs Enforcement (ICE) detainer with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Release to ICE detainer; Waive work for two weeks; Must be home between 10:00 pm and 6:00 am; Electronic monitoring - GPS; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact w/victim's family; Must have mental health evaluation for adjustment/transition; Must have substance abuse evaluation and adhere to plan.

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.


Gloriann Moroney, General Counsel


Date