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

JOSE SIME

W49952

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 12, 2017**

DATE OF DECISION: **July 25, 2018**

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

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 the 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 that the inmate is a suitable candidate for parole.[1] Parole is granted to Rhode Island, via the Interstate Compact, upon completion of 18 months in lower security with special conditions.

I. STATEMENT OF THE CASE

On February 13, 1991, after a jury trial in Bristol County Superior Court, Jose Sime was convicted of second degree murder in the death of 19-year-old Carlos Raposo and sentenced to life with the possibility of parole. In 1993, Mr. Sime appealed his murder conviction. The Massachusetts Appeals Court affirmed the second degree murder conviction.[2] In 2001, he filed a second motion for a new trial and, subsequently, appealed the denial. The Appeals Court affirmed the conviction. In 2003, Mr. Sime sought a third motion for a new trial; the Court, however, denied the motion and confirmed the conviction of murder.

[1] Five Board Members voted to parole Mr. Sime. One Board Member voted to deny parole with a 3 year review.
[2] *Commonwealth v. Jose Sime*, 35 Mass.App.Ct. 928 (1993).

On March 10, 1990, at 2:47 p.m., Fall River police were dispatched to the area of Brow and John Streets to investigate a complaint of a large fight. Upon arrival, the group had already dispersed. There were several blotches of blood in the middle of the intersection, leading to the driveway of 48 Brow Street. Officers were informed that Carlos Raposo had been stabbed with a knife and transported to the hospital by family members. During the investigation, it was revealed that 18-year-old Jose Sime had stabbed Carlos Raposo. The cause of death was a stab wound to the chest.

II. PAROLE HEARING ON SEPTEMBER 12, 2017

Jose Sime, now 45-years-old, appeared before the Parole Board on September 12, 2017, for a review hearing and was represented by Attorney John Rull. Mr. Sime had been denied parole after both his initial hearing in 2009 and his review hearing in 2014. In his opening statement to the Board, Mr. Sime expressed his apologies and remorse to the Raposo family. He said, "I will forever regret my actions, which led to his death, almost 28 years ago." He asked the Raposo family for forgiveness, stating, "I take full responsibility." Attorney Rull described Mr. Sime as "devoted to rehabilitative programs" and stated that Mr. Sime realizes "the type of change needed to live in the community." He also stated that Mr. Sime completed 40 programs while incarcerated, 13 of which were completed since his last parole hearing, including such programs as Alternatives to Violence Basic and Advanced, Violence Reduction, Leadership and Transformational Thinking, End Violence Project, Correctional Recovery Program, Graduate Maintenance Program Senior Coordinator, Key Program, AA 12 Steps, Education ESL, Education GED, Restorative Justice, Jericho Circle, Criminal Addictive Thinking, Preparing for Re-Entry, and Spectrum Transition Planning Program. Attorney Rull stated that Mr. Sime has reformed his criminal thinking and has shown "significant strides in self-development."

Regarding the underlying offense, Mr. Sime stated that the incident started with name calling. He said that he came out of a car to try to stop a fight. He said that Mr. Raposo, who did not have a weapon at the time, swung at him and hit him in the chest. Mr. Sime then took out a knife and swung at Mr. Raposo. The knife went into Mr. Raposo's chest. Mr. Sime stated that while he knew he had stabbed Mr. Raposo, he didn't know that Mr. Raposo had died until he was arrested. Mr. Sime stated that with the help of programming, he has been able to think differently and no longer reacts to situations with violence. He credited, in particular, the Restorative Justice Program, which has made him see himself differently. A Board Member asked Mr. Sime to describe some of the challenges, if he were released back to the community. Included in Mr. Sime's response was that he wants to get a job and maintain it. He wants to be a "law abiding citizen" and not let down those who have been there for him. Mr. Sime stated that he has been attending counseling for 4½ years, which has helped him immensely. The Board noted that Mr. Sime has a large group of family support.

The Board considered testimony in support of parole from Mr. Sime's sister and brother and a member of the community. Two support letters were read to the Board, which were written by Mr. Sime's brother and uncle. The Board considered testimony in opposition to parole from Mr. Raposo's sister. Bristol County Assistant District Attorney Michael Sheehan provided testimony in opposition to parole.

III. DECISION

The Board is of the opinion that Jose Sime has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him with a successful transition from incarceration. Mr. Sime has been incarcerated for approximately 28 years. He has availed himself of relevant programming to address his causative factors, to include the Graduate Maintenance Program (GMP), Graduate Support Program (GSP), Anger Management, and Leadership and Transformational Thinking. Mr. Sime must remain disciplinary report free and program compliant.

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. Sime'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. Sime's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Sime's case, the Board is of the opinion that Mr. Sime merits parole at this time. Parole is granted to Rhode Island, via the Interstate Compact, upon completion of 18 months in lower security with special conditions.

SPECIAL CONDITIONS: Approve home plan before release via Interstate Compact Rhode Island; Approve work plan before release; Must be home between 10:00 p.m. and 6:00 a.m.; 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 and adhere to plan; 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

7/25/18
Date