



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

DAVID MENDOZA

W58065

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 1, 2012

DATE OF DECISION: May 3, 2013¹

PARTICIPATING BOARD MEMBERS: Cesar Archilla, 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, 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 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

David Mendoza appeared before the Board for a review hearing on May 1, 2012. This was his second appearance before the Board. The Board denied parole following his initial eligibility hearing in 2007, and set a five year review. On February 21, 1995, Mr. Mendoza pleaded guilty to two counts of second-degree murder in Hampden Superior Court, and was sentenced to serve consecutive terms of life in prison.

On July 20, 1992, Mr. Mendoza stabbed and killed 24-year-old Sara Acevedo and their daughter, 3-year-old Carmen Mendoza, in Springfield. Prior to the murder, Mr. Mendoza and Ms. Acevedo had been experiencing difficulties in their relationship. He was controlling and abusive, questioned whether she was involved with another man, and threatened to kill her and

¹ This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

the children if she left him. The volatile situation reached a breaking point, and Ms. Acevedo asked him to move out, which he was in the process of doing.

On the night of the murder, Mr. Mendoza stabbed Ms. Acevedo 32 times in their bedroom. He then went to the kitchen and stabbed his three-year-old daughter, Carmen, in the heart. When a witness reached the dying child, she said, "Papi, Papi." Ms. Acevedo's four-year-old daughter witnessed the murders, and provided a report to the police.

II. PAROLE HEARING ON MAY 1, 2012

David Mendoza appeared for his second parole hearing, having served 20 years of his first life sentence. He seeks parole to his second life sentence. Parole was denied after Mr. Mendoza's initial hearing in 2007. At that hearing, he said he had no memory of the murders and did not know why he had committed the murders. He said that he was "in denial for the first 13 years of incarceration" and had taken no programs during those years.

At this hearing, he admitted he committed the murders and offered a reason. He said that he committed the murders because of "anger and pain I was feeling" at the death of his mother. He said he was "co-dependent on my mother; the person I counted on most wasn't there," which led to depression. He continued to maintain that he has no memory of the murders. He said that he argued with his wife that night, "we went to sleep, then I woke up in the hospital; I didn't know what happened until a caseworker told me; I was shocked."

Board Members see no reason to believe that Mr. Mendoza has no memory of the murders or that he committed them without realizing he was doing so. Board Member Bonner, a forensic psychologist, said, "you do not suffer from any condition or symptom that would cause disassociation; no professional has ever concluded that mental illness caused you to commit these offenses."

He has had active program participation since his first parole hearing. He has completed the Correctional Recovery Academy and its Graduate Maintenance Program, Alternatives to Violence (several phases), Emotional Awareness, Menswork, and Active Listening. He has only four disciplinary reports. He was treated for depression after his arrest with a commitment to Bridgewater State Hospital in 1992. That was his last hospitalization, but he continues with Lithium and monthly counseling sessions.

Mr. Mendoza adamantly denied that he had a history of domestic violence and actively resisted any suggestion that he committed the murders due to control issues or anger with his wife. Board Members described the evidence of a series of escalating arguments on the night of the murders, including Mr. Mendoza's threat to kill Sara and the children. Board Members also noted that shortly after the murders, several witnesses described their knowledge of Mr. Mendoza's domestic violence. Mr. Mendoza insisted that "I didn't kill them from abuse; it was not from control or because Sara told me to leave the house." A Board Member commented that "you have absolutely no insight into these crimes; you are a truly broken person who misses critical elements of humanity." Another Board Member told Mr. Mendoza "you are a classic batterer, and you still deny it."

Mr. Mendoza said, "I've been through a lot," and referred to seeing his mother "act violently." When asked how old Carmen was when he killed the toddler, he was did not know. He also did not know the birth order of his children.

Hampden Assistant District Attorney Dianne Dillon testified in opposition to parole, as did Sara Acevedo's surviving daughter. Sara Acevedo's sister also testified and provided this information on the domestic violence history: he controlled Sara and the children; he did not allow Sara to go anywhere; "I saw him kick little Raymond;" "I caught him once when he had my sister pinned against the wall threatening her with a knife;" "I know he ripped her clothes up once."

III. DECISION

David Mendoza stabbed his wife 32 times and stabbed his three-year-old child in the heart. He continues to maintain that the murders did not result from domestic violence and that he has no memory of them. The Parole Board does not accept these assertions. Mr. Mendoza had a history of abusing his family members that escalated to homicidal rage against his wife and child. There is no reason he would not remember his actions; he has simply decided that he will not talk about what happened and reveal why he killed his family members. Mr. Mendoza has completed many programs in recent years, but they have not had their intended effect. He is not rehabilitated and he would be a very dangerous person to have in the community. He would be likely to re-offend if paroled, and his release is not compatible with the welfare of society. Parole is denied with a review in five years.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.

Josh Wall
Josh Wall, Chairman

May 3, 2013
Date