



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JUAN ORTIZ**

**W43156**

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** December 14, 2010  
**DATE OF DECISION:** April 18, 2012

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

**DECISION OF THE BOARD:** Parole is denied with a review in 18 months after the date of the hearing. The decision is unanimous. The Board expects that the next available date for the inmate's hearing will be in September 2012.

**I. STATEMENT OF THE CASE**

On November 12, 1985, the inmate's brother Eddie Ortiz shot and killed two Springfield police officers, Alain Beauregard and Michael Schiavina. The inmate was in the car when his brother shot Officer Beauregard and Officer Schiavina. The brothers drove from the scene. Eddie Ortiz killed himself later that night and Juan Ortiz was apprehended and charged with the murders. The evidence was clear that Eddie Ortiz was the shooter, and the prosecution proceeded against Juan Ortiz on a theory of felony murder. Juan Ortiz rejected a prosecution offer to serve 9 to 10 years for manslaughter and opted for a trial.

On January 22, 1987, the jury convicted Juan Ortiz of two counts of second-degree murder, for which he received concurrent life sentences, and unlawfully carrying a firearm in a motor vehicle. In applying the felony murder rule, the jury concluded that Juan Ortiz should be convicted for the actions of Eddie Ortiz because the brothers had

jointly shared control of the handgun before Eddie Ortiz took the weapon and fired; because Juan Ortiz shared the intent to possess the handgun, he became criminally responsible for Eddie Ortiz's actions in shooting the two officers. The prosecution did not argue that Juan Ortiz shared his brother's intent to shoot or kill the officers.

The Supreme Judicial Court upheld the felony murder convictions. The following facts are repeated from the SJC decision. Juan Ortiz and Eddie Ortiz got into an automobile to search for Jose Rodriguez. The Ortiz and Rodriguez families had had a longstanding feud. Eddie and Juan Ortiz brought a firearm and some ammunition with them in the automobile. Unable to find Rodriguez, they drove back to their father's apartment. As the Ortiz vehicle was arriving at the apartment, a police cruiser with two officers in it, with its lights flashing, pulled up behind the vehicle. The driver of the cruiser, Officer Alain Beauregard, got out and approached the driver's side of the Ortiz vehicle. Officer Beauregard tried unsuccessfully to open the driver's side door of the Ortiz vehicle, after which he was shot and killed by Eddie Ortiz. By then, Officer Schiavina had opened the vehicle's passenger door and was trying to pull Juan Ortiz from the vehicle. Officer Schiavina was then shot and killed by Eddie Ortiz.

## **II. PAROLE HEARING ON DECEMBER 14, 2010**

Juan Ortiz read an apology for his actions on November 12, 1985. He said that he had many opportunities to do the right thing that night, and he regrets his failures to act. He stated that he tried to change Eddie Ortiz's mind, "but I couldn't stop him" from going out to retaliate. The inmate claimed that he had no anger or animosity on that night because he was not part of the feud or the problems earlier in the evening. He said he rejected the plea offer of 9 to 10 years for manslaughter on the advice of his lawyer.

Board members questioned Ortiz on his actions on the night of the murders, his failure at prior parole hearings to take full responsibility for the murders, and his lack of rehabilitative programs since his last hearing. A Board member told the inmate, "You have done nothing in the last five years; you have wasted the last five years." That Board member, commenting on Ortiz's description of the crime, said, "year after year you have lied to make yourself look better." Board members also noted that the inmate presented a parole plan that was "vague" and "not solid."

## **III. DECISION**

Juan Ortiz, at the time of the hearing, was age 48 and had been incarcerated 25 years. He has limited participation in prison programs. He has only two disciplinary reports (1987 and 1996); neither infraction involved violence or substance abuse. At his parole hearings in 2000 and 2005, he apparently took the position that he should be paroled because he was not the shooter and he therefore did not bear much responsibility for the murders. This position is in conflict with the jury verdict and the law of Massachusetts on felony murder. The Parole Board has, for a decade, tried to educate Ortiz on the importance of recognizing his culpability, understanding the

reasons for his actions, and participating in programs that reduce his risk to re-offend. Because the inmate is not the shooter and he did not share the criminal intent to shoot or kill, these goals should have been more readily attainable for him. For reasons known only to himself, Juan Ortiz has moved reluctantly and slowly towards the goals set for him by the Parole Board. He persists in describing himself, in conflict with the jury's verdict, as unconnected to the handgun or the retaliation motive. He shows little insight into the causes of his criminal behavior that night. He makes minimal effort to participate in programs. His lack of rehabilitative insight is reflected in his poorly conceived parole plan. His rehabilitation has not progressed to the point where he is ready to live under supervision in the community. His parole is, therefore, denied because the Parole Board cannot conclude that it is reasonably probable that he would not re-offend if released or that his release is compatible with the welfare of society.

Eddie Ortiz, with the help of Juan Ortiz, undertook a mission of violence on the night of November 12, 1985. Juan Ortiz was with his brother at every step: before, during, and after the murders. Juan Ortiz shared with his brother that critical and fateful intent to bring a handgun on the mission. Two police officers intervened for the purpose of doing their duty to protect the public. For their acts of service and bravery, Officer Alain Beauregard and Officer Michael Schiavina were murdered. At Juan Ortiz's next hearing, the Parole Board will be considering whether the inmate recognizes his role in causing the murders, understands the reasons he acted criminally and violently, shows demonstrable and substantial progress towards rehabilitation, and has a well-developed plan for parole which increases the likelihood of success in the community if paroled. This case will be placed on the next available list for hearing, which is likely to be in September 2012.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

Josh Wall  
Josh Wall, Chairman

April 18, 2012  
Date