



The Commonwealth of Massachusetts
Executive Office of Public Safety

Parole Board

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DECISION

IN THE MATTER OF

LUIS FLORES

W53273

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 19, 2012

DATE OF DECISION: May 14, 2013

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, the nature of the underlying offense, the institutional and criminal records, supporting documentation and following a public hearing where the views of the public were expressed orally or in written submissions, the inmate's parole request is denied. The decision is unanimous, and the review of that decision will be in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Luis Flores appeared before the Massachusetts Parole Board on January 19, 2012, for a review hearing. The Board denied parole at his initial hearing in 2007, and set a five-year review.

Mr. Flores pleaded guilty to two counts of second-degree murder on September 30, 1992, in Middlesex Superior Court, and was sentenced to serve two concurrent terms of life in prison. He also pleaded guilty to armed robbery and armed assault in a dwelling and was sentenced to serve two 20 to 25 year terms, concurrent with each other, but consecutive to the life sentences. He seeks parole to these from and after sentences.¹

¹ On April 2, 2011, Mr. Flores brutally assaulted a Corrections Officer following a cell inspection. He slammed a steel door on the officer's arm and wrist, put him in a choke hold, and repeatedly threatened to kill him until other officers were able to subdue Mr. Flores. Mr. Flores was indicted for assault to murder and two counts of assault and battery on a corrections officer. The case is currently pending in Middlesex Superior Court.

Mr. Flores moved to withdraw his guilty pleas on December 2, 2006, and the motion was denied. He filed another motion to withdraw the pleas on January 9, 2007. Again, his motion was denied, as was a motion for reconsideration. Subsequent appeals to the Massachusetts Appeals Court and Supreme Judicial Court were unsuccessful.

Between late February 14 and early February 15, 1992, Mr. Flores orchestrated and executed the robbery and murder of Jose Luis Guerra and Fermin Tiburcio. Mr. Flores worked for the victims, sought to rob them of cocaine and money, and recruited his brother and friends to assist him.² In the days leading up to the crime, Mr. Flores coordinated each participant's role and established the time for the robbery.

On the evening of the murder, each of the men met at Mr. Flores' house. Mr. Flores was armed with a .25 caliber handgun, and his cohorts were armed with a sawed-off shotgun and other weapons. During the commission of the robbery, Mr. Flores shot the victims in the head "execution style." Mr. Guerra suffered a single gunshot wound to the temple. Mr. Flores had covered Mr. Tiburcio's head with two blankets and shot him twice in the back of the head. The men died from these wounds.

Subsequent police investigation revealed Mr. Flores' fingerprint on the doorknob of the house where he had committed the murders. On February 26, 1992, he gave a statement to the police admitting to the murders.

II. PAROLE HEARING ON JANUARY 19, 2012

Luis Flores asserted that he was rehabilitated and had earned parole. He was asked to address his violent conduct in prison. He has 55 disciplinary reports. He said "a lot of disciplinary reports are bogus, it's guilt by association; not everything written in disciplinary reports is true, most of it is not true; the majority of tickets are bogus." He has received four disciplinary reports since his last hearing, two of those for possessing weapons. Mr. Flores said, "in 2008 and 2009 things were crazy at Cedar Junction, but those were not my weapons."

Mr. Flores assessed his behavior in prison as "normal." When asked about the many enemies he has listed in Department of Correction records, he said "21 people claim me as an enemy; the majority is just dudes trying to get out of that institution, dudes working the wall." Mr. Flores was asked about a report which documented that he threatened to kill a correctional officer "and rape your mother." Mr. Flores said, "that's bogus," but he was reminded that he pleaded guilty to that disciplinary report.

In an apparent attempt to show improved impulse control, Mr. Flores told a Board Member that "a few years ago I would have jumped up and snapped your neck."

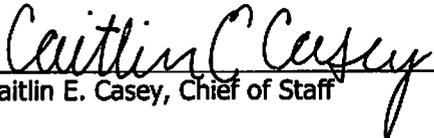
Middlesex Assistant District Attorney Adrienne Lynch spoke in opposition to parole. Luis Flores' brother (and co-defendant) and one other person testified in support of parole.

² There were five co-defendants in the case, Pablo Flores, Felix Figueroa, Lance Taylor, Reinaldo Hernandez, and Wilfredo Vasquez. Flores, Hernandez, and Vasquez each pleaded guilty to two counts of manslaughter, armed robbery, and armed assault in a dwelling, and received 18 to 20 year sentences. Figueroa pleaded guilty to two counts of manslaughter and armed robbery, and received a six to nine year sentence. Taylor pleaded guilty to accessory before the fact and accessory after the fact, and received an eight to 12 year sentence.

III. DECISION

Luis Flores is an angry, violent, and very dangerous person. He is not rehabilitated. He would re-offend violently if released and his parole is incompatible 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. 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.


Caitlin E. Casey, Chief of Staff

5/14/13
Date