



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**ELSIDO PEREYRA**

**W66131**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** April 23, 2013

**DATE OF DECISION:** June 28, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in two years from the date of the hearing. The decision is by a vote of 4-3. Board Members Archilla, Bonner, and Wall comprised the minority in favor of parole.

**I. STATEMENT OF THE CASE**

Elsido Pereyra appeared before the Massachusetts Parole Board on April 23, 2013 for an initial parole hearing. On March 2, 1999, Pereyra pleaded guilty to second-degree murder in Essex Superior Court and was sentenced to serve life in prison.

On May 3, 1998, Pereyra shot and killed 17-year-old Ricardo Torres in Lawrence. Pereyra owned El Coqui, a market on Newbury Street in Lawrence. On the day of the murder, the victim's girlfriend, Stephanie, was in the market when someone working there made a comment about her body. Pereyra was not in the market when the rude comment was made. After purchasing some candy, Stephanie left the market and told the victim what had happened. Torres felt as though his girlfriend had been disrespected, and went into the market to speak to the individual who had made the insulting statement. There was a brief confrontation inside the store between Torres and Pereyra's brother. After the argument, the

brother called Mr. Pereyra. Pereyra arrived at the store, spoke with his brother, and went outside to confront Ricardo Torres. A fight ensued during which a number of punches were exchanged. Pereyra was cut on the lip and was bleeding. As Torres was running away, Pereyra took out a gun and shot him.

Pereyra was arrested with the gun shortly thereafter. During the course of the investigation, Pereyra admitted that he had shot Torres as he was running away, but told officers that the victim often went to his store asking for money and bothering him. He further stated that, on the night of the murder, Torres said that he was going to kill Pereyra because Pereyra would not loan him money or give his father merchandise on credit. He stated that he shot Torres because he was scared. Ricardo Torres died from a single gunshot wound to the back. Gang members, allegedly in retaliation for the death of Torres, set fire to the El Coqui market and destroyed the business days after the murder.

## **II. PAROLE HEARING ON APRIL 23, 2013**

Elsido Pereyra appeared for his first parole hearing after serving 15 years of his life sentence. Attorney Eva Clark represented him at the hearing. Pereyra is 48 years old. The murder is his only criminal conviction. He came from the Dominican Republic to Lawrence in 1981, at age 17. If paroled, Pereyra would be deported to the Dominican Republic. He said, "I know at that time I was a coward; we fought for about a minute, and I lost my mind at that time."

Pereyra opened his small grocery store in 1988 on Haverill Street in Lawrence. He later moved the business to 89 Newbury Street in Lawrence. He said that he had a gun "for my business, in case of a hold up." He said the store was robbed several times during the ten years he operated the business. He provided the following description of the murder: after receiving a phone call from his brother, he came to the store and learned that the victim argued with his brother; he approached the victim outside the store; the victim "used vulgar language with me and I answered in the same manner, aggressive;" "things heated up, I received the first hit and fell to my knees; I got up filled with rage; I knocked him down; I hit him with my fist and I kicked him; in the struggle he tried to run; I grabbed the gun from my waist; I shot him in the back as he ran away; I hid in the basement of the store," where police found Pereyra two hours after the shooting.

A Board Member asked Pereyra why he lied to police and claimed the victim had a gun. Pereyra said that "I thought only about myself; I was trying to save myself and I didn't think about the other person."

Pereyra has three disciplinary reports, none for violence or substance abuse. He was housed in protective custody while awaiting trial because numerous gang members affiliated with the victim were at the jail, and his enemies list at the Department of Correction includes members of the same gang. He has held several jobs in the institution, and has worked for MassCor since 2008. He currently works five days a week in the bindery shop. He has active program participation, and has completed the Correctional Recovery Academy in 2009 and Alternatives to Violence (two phases in 2010). He has attended AA/NA since 2003 and participated in Nuestra Familia since 2004. He also has weekly attendance at church, Bible study, and church choir. He said that the CRA was the best program for him because it gave

him several strategies for "avoiding violence." He said that he had three drinks on the day of the incident, and that CRA and AA have given him a different perspective on his alcohol use: "through the programs, I realized I do have problems with alcohol; we drank too much at family parties; I am planning on not drinking" if paroled.

Pereyra said that he accepts the order of deportation and will not be contesting it if paroled. If paroled, he said he would live with his parents in the Dominican Republic, and would seek employment at a warehouse owned by a relative. He also has three siblings living in the Dominican Republic. He was married at the time of the crime. He said he had "a beautiful relationship with my wife," but after he went to prison on a life sentence that "we agreed to divorce so she could move on with her life." He said that he speaks with his son monthly by telephone but has not seen him "in a couple of years."

Five family members spoke in support of parole, including Pereyra's mother, sister, aunt, niece, and nephew. Elsid Pereyra's mother and sister came from the Dominican Republic for the hearing. They described an extensive family network in that country that would provide housing and job opportunities. His aunt, who lives in Lawrence, explained how Pereyra has remained involved with his family in this country through phone calls and visits. A former employee of the grocery store also testified in support of parole. He remembered that Pereyra used his market "to help a lot of people by letting them buy groceries on credit." Essex Assistant District Attorney Paul Wagoner spoke in opposition to parole.

### **III. DECISION**

Elsido Pereyra has served 15 years of a life sentence for shooting Ricardo Torres in the back. Pereyra brought a gun to the scene, confronted the victim, allowed the situation to escalate, and fired as the victim fled. Four Board Members noted the victim's young age and the fact that he was shot while running away, and concluded that 15 years is insufficient for punishment and deterrence. Three Board Members in the minority concluded that the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – had been met. The minority concluded that Pereyra is rehabilitated and gave more weight to Pereyra's productive background as a neighborhood businessman, his lack of other violent or criminal behavior, and the mutual escalation of the dispute, in concluding that Pereyra has been suitably punished.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, the Board finds that Mr. Pereyra is not a suitable candidate for parole. The review will be in two years, during which time Mr. Pereyra should continue with his employment, program participation, and good conduct.

*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.*

*Josh Wall*

Josh Wall, Chairman

*June 28, 2013*

Date