



The Commonwealth of Massachusetts  
Executive Office of Public Safety



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**DECISION**

**IN THE MATTER OF**

**JOSEPH VAZQUEZ**

**W60696**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** June 5, 2012

**DATE OF DECISION:** January 22, 2013

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Sheila Dupre, Roger Michel, Lucy Soto-Abbe, Josh Wall. Cesar Archilla and Ina Howard-Hogan are recused and did not participate in the case.

**DECISION OF THE BOARD:** Parole is denied with a review in four years. The decision is unanimous.

**I. STATEMENT OF THE CASE**

Joseph Vazquez, age 32, lived in a Lynn apartment in 1995 with his long-time girlfriend Deborah Wagner. He worked as a roofer but spent much of his time and income on alcohol and drugs. In the early morning hours of August 17, 1995 Vazquez had been drinking and using cocaine for hours. Ms. Wagner was with him in their apartment when they ran out of drugs. Vazquez and Ms. Wagner walked to the nearby apartment of Acie Avery, a 60-year-old man who lived alone at 306 Washington Street. They had borrowed money from Acie Avery before, and they intended to get money from him to buy more drugs. Mr. Avery let the couple into his apartment. For reasons that have never been established conclusively, Vazquez used a pipe to beat Acie Avery to death.

After lying initially at Joseph Vazquez's behest, Deborah Wagner cooperated with the police investigation. She was not charged with a crime. She said that she went to Acie Avery's apartment to borrow money and Vazquez insisted on coming with her. Avery allowed them in

the apartment; Ms. Wagner said she was in the bathroom when the beating began; she heard the commotion and walked into the living room to see Vazquez repeatedly beating Mr. Avery with a pipe that Vazquez often carried with him.

Vazquez pleaded guilty to second-degree murder on May 29, 1996. Vazquez has multiple arrests for operating under the influence (including two convictions and one sentence of incarceration), and a domestic violence history that includes five assault and battery arrests that resulted in one conviction with six months to serve.

## **II. PAROLE HEARING ON JUNE 5, 2012**

Joseph Vazquez appeared for his second parole hearing after 17 years of incarceration. Parole was denied in 2010 after the first parole hearing and a review was set for two years. Vazquez began his first parole hearing by saying "my old lady pissed me off," in reference to Deborah Wagner. In this hearing he showed more maturity and insight. Vazquez explained that he came from a dysfunctional family in which his father regularly beat his mother, and also physically abused the children. Vazquez began drinking at age 12 and by age 14 was regularly drinking hard alcohol. He graduated from high school and entered the army. He was discharged from the army due to his behavior related to drug and alcohol abuse. He returned to Lynn and began work as a roofer.

Vazquez began living with Deborah Wagner in 1985. It was a tumultuous relationship characterized by alcohol abuse, drug use, and frequent arguments and fights. Vazquez was arrested five times for assault and battery on Mr. Wagner; he admitted that charges were usually dismissed because he "made up with Deborah" before the next court date. Vazquez's anger and alcohol abuse also led to frequent barroom fights.

Concerning the murder, Vazquez said he has almost no memory due to his extreme intoxication. He said that after a day of work he drank vodka and beer all afternoon and into the evening. He said his friends told him to "open your eyes to what Deborah is doing." He took that to mean that she was cheating on him. He said he got home that night and Deborah was not home, he drank more beer and smoked crack, and he remembers nothing else except waking up the next day. Despite saying he has no memory of the murder, he said is certain that he did not intend to rob and did not rob Acie Avery. Board Members questioned Vazquez about the evidence that suggests robbery as the likely motive and asked Vazquez how he can be certain about some things while at the same time asserting he has no memory of the events.

Vazquez acknowledged that he was very controlling with Deborah Wagner, and that he had rage due to the way he was raised: "as a child everything was taken care of with violence; I fought as a kid, and then moved on to barroom brawls." He said that he has learned how to resolve conflict without resorting to violence, and to be less controlling and selfish.

The inmate has an above-average disciplinary record. He has four disciplinary reports, the most serious of which resulted in a return to higher custody in 2002 because he used "a civilian party on the street" to send \$640 to an inmate. At the hearing Vazquez acknowledged that he had a relationship with the inmate and he took money that his wife gave him and sent it to the inmate. Vazquez is no longer married to that woman.

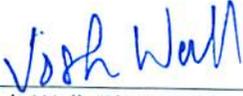
Of the programs that Vazquez has completed, he said that AA 12 Step is "by far the most helpful program for me." He has chaired AA 12 Step meetings for the past four years. He has also completed Alternatives to Violence (three phases), Substance Abuse Education, Criminal Thinking, and HVAC technician training. He has also participated in religious activities and the music program.

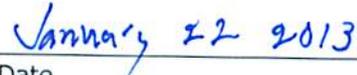
Acie Avery's son spoke in opposition to parole. He said his father was a very caring person who was retired and worked at another job. He said that it was very likely that Deborah Wagner and Joseph Vazquez went to his father's apartment knowing that it was his regular pay day. Essex Assistant District Attorney Elin Graydon spoke in opposition to parole, and noted that robbery was almost certainly the motive, a theory supported by the evidence that Mr. Avery's apartment was ransacked. The inmate's sister testified in support of parole.

### **III. DECISION**

Joseph Vazquez went to the home of Acie Avery and brutally beat the sixty-year-old man to death. There were no factors of provocation or mitigation. In addition, Vazquez is a domestic batterer and a habitual drunk driver. These factors combine to identify Vazquez as a very dangerous person who has several areas of risk for violence. Seventeen years of incarceration is insufficient for rehabilitation of this level of risk. Joseph Vazquez would be likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, parole is denied. Mr. Vazquez needs to continue with rehabilitative programs to address issues of criminal thinking, violence, domestic violence, substance abuse, and other antisocial behaviors.

*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, Chairman

  
\_\_\_\_\_  
Date