



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**ALEX VELEZ**

**W67125**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** February 21, 2013

**DATE OF DECISION:** December 17, 2013

**PARTICIPATING BOARD MEMBERS:** Caesar Archilla, Dr. Charlene Bonner, 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, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is a suitable candidate for parole. Parole is granted after one year in lower security at the Department of Correction (DOC) during which time Velez must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

**I. STATEMENT OF THE CASE**

On September 28, 1999, in Essex Superior Court Alex Velez pleaded guilty to second degree murder and received a life sentence for the stabbing death of Benjamin Colon, age 19. His co-defendant, Therrin Cousins, was convicted after trial of home invasion and second degree murder.<sup>1</sup> The following facts are taken from *Commonwealth v. Cousins*, 54 Mass.App.Ct. 1110 (2002), as they relate to Velez.

<sup>1</sup> In exchange for his guilty plea, the prosecution did not proceed on the indictments against Velez for home invasion and first degree murder. Velez pleaded guilty one week before Cousins went to trial.

On the night of March 27, 1998, Cousins' sister and a few of her friends went to a party at 246 Farnham Street in Lawrence. During the party a fight broke out between Cousins' sister, her friends, and the victim, Benjamin Colon, who was "by all accounts drunk and belligerent." After the fight Cousins' sister called him to report that she had been punched in the stomach, that one of her friends was grabbed by the neck, and that another was called a bitch.

Ten to fifteen minutes later Cousins, Velez, and another arrived and ran into the house. Cousins was armed with a steak knife that he grabbed from his kitchen before departing for Farnham Street. Cousins' sister pointed out Benjamin Colon as the person who had punched her. Cousins handed the knife to Velez, told him to "hold this for me," and confronted Colon. As Cousins and Colon squared off, Velez ran toward Colon and swung at him, fatally stabbing him in the chest, piercing his heart and liver. Velez was 20 years old when he murdered Colon.

## **II. INSTITUTIONAL HISTORY**

While Velez awaited trial at the Middleton House of Correction, he incurred one disciplinary report for fighting with another inmate. Following his conviction and transfer to state prison, he received disciplinary reports in 2002 and 2006.

Velez has been an active participant in rehabilitative programs and productive activity. He obtained his GED in 1998. He has completed Alternatives to Violence (multiple phases), Jericho Circle, ABLE Minds, Emotional Awareness (two phases), Introduction to Substance Abuse Treatment, Relapse Prevention, Violence Reduction, Cognitive Skills, Thinking For a Change, and Fatherhood (two phases). He has attended AA and NA. He works currently in the clothing shop. He completed advanced welding and several computer courses.

## **III. PAROLE HEARING ON FEBRUARY 21, 2013**

Alex Velez appeared for his initial parole hearing after serving 15 years of his life sentence for the murder of Benjamin Colon. Velez described events of his youth that preceded the murder he committed at age 20. "I dropped out of school in ninth grade; I had been hanging out, smoking, drinking, and skipping school; I met Therrin Cousins freshman year; we clicked because of substance abuse, drinking together; we hung together every day, partying and hanging out; I was not involved in a gang; I was usually employed but I always kept partying; we hung around, drank, and chased girls but we were not doing other crimes; I lived with my mom, two brothers, and my grandmother; my mother was on public assistance after a divorce." Velez said he occasionally sold marijuana: "I sold a couple of times at 15, and then at age 17 I sold again to get money for a girlfriend who was pregnant and I got caught."

Velez provided these details on the crime: "We went to a nightclub and then went to Cousins' house where we had more beer; we got a call from Cousins' sister telling us that they were beaten up; we headed out to Farnham Street in South Lawrence; Cousins had a knife from the kitchen but we did not know that; we had a plan to confront whoever assaulted the girls; we went in; the girls were screaming and pointing at Colon; we yelled back and forth; Colon's friends did not want to fight; Cousins handed me the knife and said, 'Hold this for me;' someone grabbed Cousins and Colon came towards Cousins; I lunged at him and stabbed him once; he fell back and I dropped the knife and headed out; I wanted to hurt him but I didn't plan to kill him; I was angry and used violence but I never thought about killing him; I found

out the next day that he died; I wanted to flee; my brother came over; we cried together; I wanted to see my mom; I told my family what happened; my parents took me to a lawyer and I turned myself in; once my co-defendant was arrested I had my lawyer tell the district attorney that I did it; I had no justification to go to trial so I pled guilty when the DA offered a second degree."

Velez has only two disciplinary reports at the DOC, the last one in 2006. He testified that "sobriety was the key for me; I got sober two years in after I came to the DOC; it took two years before I decided to be clean and then I stopped blaming others; I started reaching out for help with caseworkers, counselors, and inmates who were doing the right thing; I saw which guys were smiling instead of angry; they encouraged me and took me to programs and activities; I started to feel better about myself; I built up by self-esteem; I changed how I viewed other people; I changed how I deal with confrontation; I started caring for other people instead of hurting them." In reflecting on his rehabilitative work, Velez said, "I admit I was angry and I acted out of anger that night; I got clean and sober which allowed me to address my anger issues; I also developed honesty and learned to accept responsibility."

Therrin Cousins and Velez have been incarcerated together. Velez reported that "I did programs with my co-defendant; we opened up and talked about what happened; I apologized to him and asked him to forgive me; he told me he grabbed the knife in case he needed to defend himself; he handed me the knife without an intent for me to use it."

In discussing his plan for living in the community if paroled, Velez mentioned his brother who committed a second degree murder at age 15 and is currently on parole and working as a welder. Velez said his brother attends AA and has offered to set Velez up with meetings and a sponsor. Velez said, "AA is the key for me to stay sober." Velez said his brother works as a welder and "his boss offered me a job; I am good at it and I enjoy it." He said, "I want to find positive things to do and meet people that way."

His girlfriend spoke in support of parole. She said she "works a lot" to support her three sons and that Velez has given her advice and support in recent years. Essex Assistant District Attorney Catherine Semel spoke in opposition to parole.

#### **IV. DECISION**

Alex Velez killed Benjamin Colon by inflicting a stab wound after a heated argument between two groups. Unlike most inmates convicted of second degree murder, Velez did not have a pattern of violent conduct or victimizing others. His path to rehabilitation, therefore, is less complicated. After two years of incarceration at the DOC, he committed to sobriety and began active program participation to maintain sobriety, address an anger issue, and improve his education and job skills. Through persistent effort, Velez accomplished those goals. His reform is demonstrated by his very good conduct in the institution and his answers at his parole hearing. Velez took a thoughtful approach to rehabilitation, including a realistic assessment of his faults, and used programs to target his needs. He has succeeded in reforming his criminal thinking and reducing his risk for violence. He has a solid record over the past 13 years of pro-social behavior, impulse control, sobriety, and effective conflict resolution. He presents no current risk for violence. The Parole Board concludes that the four goals of sentencing –

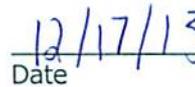
punishment, deterrence, public protection, and rehabilitation – will have been met after Velez serves the approximately 17 years that will be required by this decision.

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, the Parole Board grants parole to a long-term residential program after one year in lower security. This release plan will allow for important supports and treatment during a closely supervised transition.

**SPECIAL CONDITIONS:** Parole to a long-term residential program after one year in lower security; no drug use; no alcohol use; substance abuse evaluation at program with recommended treatment, if any, to be followed; mental health evaluation at program with recommended treatment to be followed; curfew between 10:00 p.m. and 6:00 a.m. for two years and thereafter at parole officer's discretion.

*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.*

  
Caitlin E. Casey, Chief of Staff

  
Date