

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**Gloriann Moroney**  
*Chair*

**Kevin Keefe**  
*Executive Director*

**DECISION**

**IN THE MATTER OF**

**ALBERTO DIAZ**

**W85293**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** December 19, 2019

**DATE OF DECISION:** July 22, 2020

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude that the inmate is not a suitable candidate for parole.<sup>1</sup> Parole is denied with a review scheduled in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On April 5, 2005, in Bristol Superior Court, Alberto Diaz pleaded guilty to the second-degree murder of Jose Torres and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Diaz also pleaded guilty to possession of a firearm and received a one year sentence to be served concurrently with his life sentence. A charge of conspiracy to commit murder was filed.

On October 26, 2003, in Fall River, 25-year-old Alberto Diaz, Jr., along with his two co-defendants, participated in the shooting death of 33-year-old Jose Torres. On the night of the murder, Mr. Diaz, his brother Luis Diaz, and Luis Tejada drove from Boston to the home of Jose Torres in Fall River. When Mr. Torres opened the door, his daughter observed Mr. Diaz, whom she knew as "Chino," and another man that she didn't know, at the doorway of their home.

<sup>1</sup> Two Board Members voted to deny parole with a review in four years.

She heard them ask, "Where is Macho?" and "Are you Macho's boy?" She then heard three shots and found that her father had been shot. As Mr. Torres lay fatally wounded, he informed his wife, and the children around him, that "Chino" shot him. Mr. Torres repeated similar words to the first police officer to arrive at the scene. After a high-speed highway chase, the three men were apprehended by police. Mr. Diaz admitted to being present at the murder, but claimed that Mr. Tejeda was the shooter. Mr. Tejeda, however, claimed Mr. Diaz to be the shooter.

## **II. PAROLE HEARING ON DECEMBER 19, 2019**

Alberto Diaz, now 41-years-old, appeared before the Parole Board on December 19, 2019, for an initial hearing. He was not represented by an attorney. At the start of the hearing, the Board noted that Mr. Diaz has an open criminal case for assaulting another inmate. Mr. Diaz assured the Board that he wanted to go forward with the hearing, prior to resolving his criminal case. When the Board questioned him about his social history, Mr. Diaz explained that he dropped out of school after completing eighth grade. He spoke of how he began associating with a Security Threat Group, eventually rising to become a high-ranking leader in the Boston chapter. Mr. Diaz admitted to stealing cars as a youth, for which he was adjudicated delinquent and placed in a DYS facility.

When Board Members questioned him about the murder of Mr. Torres, Mr. Diaz recounted how (on the day of the murder) his brother Luis Diaz and a friend of his brother, Luis Tejeda, approached him, asking if he knew where Macho lived. According to Mr. Diaz, the two men were looking for Macho because he had stabbed Mr. Tejeda a few months prior. After ingesting cocaine with the two men, Mr. Diaz agreed to take his brother and Mr. Tejeda to Fall River to find Macho. Mr. Diaz believed that Macho was staying with Mr. Torres. Mr. Diaz described going to Mr. Torres' door with Mr. Tejeda, while his brother waited in the car. When Mr. Torres came to the door, they asked where Macho was. Mr. Diaz said that Mr. Tejeda then pulled out a gun and shot Mr. Torres. Mr. Diaz claimed to be surprised by his accomplice's actions because he thought they were there only to confront Macho. Mr. Diaz and Mr. Tejeda ran back to the car and fled the crime scene with Luis Diaz. When the Board questioned him as to why he was identified as the shooter by the victim and other witnesses, Mr. Diaz speculated that the victim knew who he was, but did not know his accomplices.

The Board noted that the Department of Correction considers Mr. Diaz to be a high-ranking member of a Security Threat Group. When questioned about his institutional adjustment, Mr. Diaz admitted that he was a high-ranking member of a Security Threat Group and discussed participating in assaults on other inmates. He has accumulated over 100 disciplinary reports, including a conspiracy that involved his wife introducing Suboxone into the prison. Mr. Diaz was transferred to Idaho because of enemy issues in Massachusetts. He recently incurred a disciplinary report and criminal charge, in the Idaho prison, for an armed assault on another inmate. When Board Members questioned him about the incident, Mr. Diaz claimed that he acted in self-defense, stating that the assault was not related to his position in a Security Threat Group. Mr. Diaz recognized that he has not engaged in programming efforts, but noted that he is studying for his G.E.D.

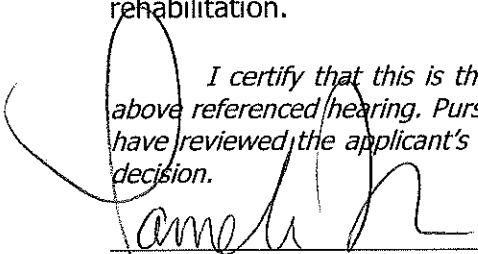
### III. DECISION

The Board is of the opinion that Alberto Diaz has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Diaz is currently incarcerated at a maximum-security prison in Idaho. He was transferred in May of 2018, due to numerous enemy issues. Mr. Diaz has had a problematic adjustment, resulting in D.D.U. and S.M.U. placements. Mr. Diaz needs to resolve pending legal issues and formally renounce his Security Threat Group affiliation. He is encouraged to remain disciplinary report free and engage in all recommended treatment and programming. Mr. Diaz recognizes he has work to do to address his causative factors to include anger. Release does not meet the legal standard.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Diaz' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Diaz' risk of recidivism. After applying this standard to the circumstances of Mr. Diaz' case, the Board is of the opinion that Alberto Diaz does not merit parole at this time.

Mr. Diaz' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

*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.*

  
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Pamela Murphy, General Counsel

7/22/2020  
Date