



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ANGEL DIAZ
W59336

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 16, 2025

DATE OF DECISION: March 12, 2026

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted in 2 weeks from the date of the Decision to Interstate Compact to a Long-Term Residential Program in Illinois.²

PROCEDURAL HISTORY: On September 27, 1995, following a jury trial in Hampden County Superior Court, Angel Diaz was convicted of murder in the first-degree for the death of Jose Fonseca. He was sentenced to life in prison without the possibility of parole.

Mr. Diaz became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision regarding his first-degree murder conviction, Mr. Diaz was re-sentenced to life with the possibility of parole after 15 years.

On October 16, 2025, Mr. Diaz appeared before the Board for an initial hearing. He was represented by Attorney Christine Sunnerberg. The Board's decision fully incorporates by reference the entire video recording of Mr. Diaz's October 16, 2025, hearing.

¹ Board Member Ortiz was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to vote.

² One Board Member voted to deny parole with a review in 1 year.

STATEMENT OF THE CASE: On September 16, 1994, 20-year-old Angel Diaz, shot and killed 20-year-old Jose Fonseca in Holyoke. The killing arose out of grievances between their rival Security Threat Groups (STG). On the day of the murder, Mr. Fonseca was visiting a friend's apartment. A large group arrived outside, and a gang member in the group called for Mr. Fonseca to come outside. He wanted to fight him because of the disrespect that Mr. Fonseca had shown his gang. Mr. Fonseca resisted, but was eventually dragged to the landing outside the apartment door and severely beaten. When an order was given for the beating to stop, Mr. Diaz came up the stairs wearing a black hood and carrying a gun. He held the gun over the railing and shot Mr. Fonseca four times, killing him.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Diaz appeared before the Board for the first time as a result of the Supreme Judicial Court's decision in Mattis. Mr. Diaz was 20-years-old at the time of the offense. The Board reviewed the characteristics of the emerging adult brain. Since being incarcerated, Mr. Diaz has completed the disassociation process through the Department of Correction in 2009. He has completed multiple rehabilitative programs. He has been employed as a groundskeeper. He has been addressing his substance use issues. Mr. Diaz has a release plan which addresses his needs areas and an established support system in Illinois. The Board

considered the report of Dr. Rojas. The Board considered the testimony of a teacher, a social worker, friends, and family members of Mr. Diaz in support of parole. The Board considered the oral and written testimony of Mr. Fonseca's family members in opposition to parole. The Board also considered the testimony of Hampden County ADA Lee Baker in opposition to parole. The Board concludes that Angel Diaz has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Release to other authority - Interstate Compact in Chicago, Illinois; Waive work for 2 weeks or program; Must be home between 10 PM and 6 AM or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have mental health counseling for adjustment and PTSD; Long Term Residential Treatment Program (in Illinois); AA at least 3 times per week.

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.



Angelo Gomez Jr., Chair

March 12, 2026
Date