

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF
ANTONIO FERRER
W58563

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 24, 2019

DATE OF DECISION: March 26, 2020

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

STATEMENT OF THE CASE: On May 10, 1995, in Bristol Superior Court, Antonio Ferrer was convicted by a jury of the second-degree murder of Joseph Freitas. He was sentenced to life in prison with the possibility of parole. Mr. Ferrer was 14-years-old at the time of the murder.

Mr. Ferrer, now 42-years-old, appeared before the Parole Board for a review hearing on September 24, 2019 and was represented by Attorney Steven Weymouth. Mr. Ferrer was denied parole after his initial hearing in 2007. He was paroled after his review hearing in 2008. His parole was provisionally revoked in 2009, but his parole revocation was not affirmed, and he was re-paroled in May 2009. Revocation proceedings were again initiated in 2010. Mr. Ferrer's parole revocation was affirmed, and he was returned to custody. He was denied parole after review hearings in 2011 and 2016. The entire video recording of Mr. Ferrer's September 24, 2019 hearing is fully incorporated by reference to the Board's decision.

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 by unanimous decision that the inmate is a suitable candidate for parole. Reserve to Long Term Residential Program. Mr. Ferrer is currently in minimum security. Since his return to custody, he has engaged in rehabilitative programming to further address causative factor. His release on parole supervision is not incompatible with the welfare of society.

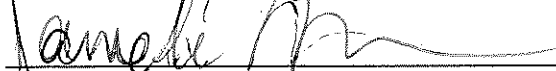
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

In forming this opinion, the Board has taken into consideration Mr. Ferrer's 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. Ferrer's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Ferrer's case, the Board is of the opinion that Mr. Ferrer is rehabilitated and merits parole at this time.

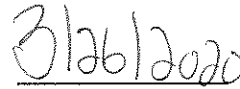
Special Conditions: Reserve to Long Term Residential Program; Waive work for Long Term Residential Program; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Must have substance abuse evaluation - adhere to plan; Must have mental health counseling for adjustment/transition; Long Term Residential Treatment - minimum 6 months.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Ferrer, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel



Date