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

**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**ANTONIO FERRER**

**W58563**

**TYPE OF HEARING:** **Revocation Review Hearing**

**DATE OF HEARING:** **September 20, 2011**

**DATE OF DECISION:** **April 19, 2013<sup>1</sup>**

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall.

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years. The next hearing will be in September of 2016.

**I. STATEMENT OF THE CASE**

On September 20, 2011, Antonio Ferrer appeared before the Board as a parole violator for a revocation review hearing. He was paroled on March 28, 2008, to a residential program. His parole was provisionally revoked on March 10, 2009, for a drug arrest, for associating with a person known to have a criminal history, and for failure to pursue employment. The drug charge was dismissed, and he was re-paroled in May 2009. Revocation proceedings were again initiated in August 2010, for violations including drug transactions with a police confidential informant and associating with a person known to have a criminal history.

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<sup>1</sup> This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

On January 2, 1992, 14-year-old Antonio Ferrer shot and killed Joseph Freitas in front of a Dunkin Donuts in New Bedford. After a jury trial in May 1995, he was convicted of second degree murder and sentenced to serve life in prison.

On the day of the murder, Mr. Ferrer and his co-defendant, Andre Cortes, were at Dunkin Donuts when Cortes began making vulgar and threatening comments to the female server. Scared, she told two regular customers what had happened after Mr. Ferrer and Mr. Cortes left. One of these customers was the victim.

A few minutes later, Mr. Ferrer returned to the Dunkin Donuts and ordered more food. The victim and Mr. Ferrer exchanged stares and words, which led to a fight outside the store. After being shoved to the ground, Mr. Ferrer got up and ran to the car that Mr. Cortes was driving. As the car drove by the entrance to the store, it slowed, and Mr. Ferrer fired at the victim from a distance of five feet. The gun shot fatally wounded Mr. Freitas.


## **II. DECISION**

Antonio Ferrer shot an unarmed man to death and received parole after serving 16 years of a life sentence. He received parole despite below average program participation and a very active gang affiliation through much of his incarceration. He was an active gang leader in prison and regularly involved in prison gang violence. He had a five year period of good conduct. His last disciplinary report occurred in 2003 and, after many years of poor program participation, he completed the Correctional Recovery Academy and the Life Skills program in 2006. This led to his positive parole vote after a hearing in January 2008, and he was released on March 28, 2008. One year later he was involved in drug activity but was not revoked. He was involved with drug activity again in August 2010 and this time parole was revoked.

The Parole Board gave Antonio Ferrer an unusual opportunity for parole after just five years of good behavior and with below average program participation. Instead of taking advantage of that opportunity, he resorted to criminal behavior involving illegal narcotics. Mr. Ferrer has demonstrated through his criminal activity on parole that he is not rehabilitated. 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 here, the Board finds that Mr. Ferrer is not a suitable candidate for parole. Accordingly, parole is denied.

*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.*

  
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Josh Wall, Chairman

  
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Date