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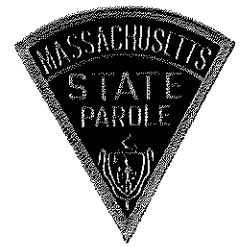
The Commonwealth of Massachusetts
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PAROLE BOARD

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Tina M. Hurley
Chair

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

BENJAMIN SERRANO
W88646

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 6, 2024

DATE OF DECISION: April 23, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is denied with a review in 2 years from the date of the hearing.¹

PROCEDURAL HISTORY: On November 8, 2006, following a jury trial in Essex Superior Court, Benjamin Serrano was found guilty of the second-degree murder of Aneury "Willie" Guzman. He was sentenced to life in prison with the possibility of parole. On that same date, he was also convicted of unlawful possession of a firearm and received a 4 to 5 year concurrent sentence. The Appeals Court affirmed his conviction, and the Supreme Judicial Court denied further appellate review.² Mr. Serrano filed two motions for new trial, both of which were denied at the trial court level. As to the first motion for new trial, the Appeals Court affirmed the trial judge's denial, and the Supreme Judicial Court denied further appellate review.³ The Appeals Court dismissed Mr. Serrano's appeal of the denial of second motion for new trial.⁴ Parole was denied following an initial hearing in 2019. On February 6, 2024, Mr. Serrano appeared before the Board for a review hearing. He was represented by two student attorneys from the Harvard Prison Legal Assistance Project under the supervision of Attorney Joel Thompson. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Serrano's February 6, 2024 hearing.

¹ One Board Member voted to grant parole with special conditions.

² *Commonwealth v. Serrano*, (74 Mass.App.Ct. 1 (2009)); 454 Mass. 1106 (2009))

³ *Commonwealth v. Serrano*, (78 Mass.App.Ct. 1116 (2010); 459 Mass. 1106 (2011))

⁴ *Commonwealth v. Serrano*, (Docket 2016-P-684 (2016))

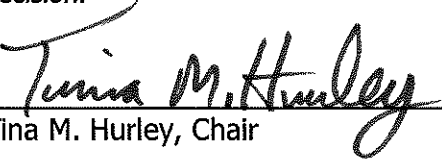
STATEMENT OF THE CASE: In October 2003, while Mr. Serrano was incarcerated due to a prior offense, his girlfriend broke up with him and later began dating Mr. Guzman. Upon his release from custody in February 2004, Mr. Serrano began to harass his ex-girlfriend and Mr. Guzman, both by telephone and in person. During these encounters, he threatened to kill Mr. Guzman, his ex-girlfriend, and members of his ex-girlfriend's family. On the night of April 1, 2004, Mr. Serrano (age 26) went to his ex-girlfriend's apartment with his co-defendant, Luis Penn. Informed that his ex-girlfriend was not at home, Mr. Serrano returned outside, where he observed Mr. Guzman's car. He engaged in a verbal altercation with two unarmed men seated in the car (neither of whom were Mr. Guzman), before showing them a gun and telling them to leave. Shortly thereafter, Mr. Guzman (age 26) emerged from the apartment and stepped between Mr. Serrano and the two unarmed men.

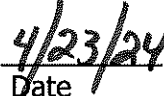
Mr. Serrano summoned Mr. Penn and gave him the gun, and then proceeded to punch Mr. Guzman in the face. Mr. Penn then pointed the gun at the two unarmed men, one of whom managed to leave the scene. Mr. Guzman broke away from the physical altercation with Mr. Serrano, only to engage in an argument with Mr. Penn for less than a minute. Mr. Penn then shot Mr. Guzman in the head, 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 incarcerated individual'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 incarcerated individual'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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Mr. Serrano's second appearance before the Board. The Board remains concerned with his lack of insight into his history of domestic violence and his need to address this area. Board Members expressed the opinion that this was a domestic violence murder. The Board again addressed a letter he wrote to his co-defendant in 2018 in an effort to influence his co-defendant to try and deflect his responsibility in the offense. Mr. Serrano stated that he "regrets writing the letter." He now acknowledges this letter was poor judgment and was an effort to influence the Board's decision. The Board notes that, since incarceration, he sent a very threatening letter to the mother of his child. While the Board recognizes he has engaged in many rehabilitative programs to include Vocational Skills and Violence Prevention, and gained his HI-SET, he continues to demonstrate the need for specific programming to address his pattern and history of domestic violence. The Board recommends he explore opportunities to address this need area through programs offered, such as Family Violence program, available Tablet programs, Correspondence Courses (if able), and Victim Empathy to appreciate the consequences of the harm he has caused. The Board considered support testimony from a member of Mr. Serrano's family and opposition testimony from Assistant District Attorney Elin Graydon.

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.


Tina M. Hurley, Chair


Date