

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



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

**EDDY LOPEZ
W92172**

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: September 29, 2020
DATE OF DECISION: August 30, 2021

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 by unanimous vote, that the inmate is not a suitable candidate for parole. Parole is denied with a review in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 10, 2007, in Essex Superior Court, Eddy Lopez pleaded guilty to the second-degree murder of Gilberto "Jay" Martinez. He was sentenced to life in prison with the possibility of parole, which was ordered to be served concurrently with the federal sentence that Mr. Lopez was serving at the time.¹ On that same date, Mr. Lopez also pleaded guilty to two counts of assault and battery by means of a dangerous weapon, receiving sentences of 5 years to 5 years and 1 day for each count, as well as two counts of assault by means of a dangerous weapon, receiving sentences of 4 to 5 years for each count. These charges stemmed from a June 7, 2007 melee at the Essex County House of Correction, in which Mr. Lopez participated

¹ On May 23, 2005, in U.S. District Court, District of Massachusetts, Mr. Lopez was convicted of conspiracy to distribute heroin and cocaine, distribution of heroin, distribution of cocaine, felon in possession of a firearm, and felon in possession of a firearm in furtherance of a drug trafficking crime. He received a 35-year sentence. Mr. Lopez's sentence was amended in 2007 to 22 years and 6 months of incarceration, followed by supervised release for life.

and five county correction officers were injured. The above sentences were ordered to be served concurrently with his life sentence.

On July 7, 2003, Eddy Lopez, age 27, and an unnamed associate, shot and killed Gilberto "Jay" Martinez, 31-years-old, as he sat in his vehicle outside a pizza restaurant in Lawrence. At the time of the shooting, Mr. Lopez was the leader of a street gang in Lawrence, and Mr. Martinez was a member of a rival gang. Shortly before the shooting, Mr. Lopez had engaged in a confrontation with Mr. Martinez and a few other members of the rival gang. The rival gang members pulled guns on Mr. Lopez in front of his family, telling him not to be in that part of town. Mr. Lopez later gathered several people and searched for Mr. Martinez. Mr. Lopez brought two guns, giving one to the unnamed associate. When they saw Mr. Martinez sitting in his car in front of Brother's Pizza, the men parked and approached him. After a brief exchange, Mr. Lopez and his associate started shooting at Mr. Martinez. They fled and disposed of the guns.

Mr. Martinez died that night from multiple gunshot wounds. Although the murder weapons were never recovered, projectiles and cartridge casings were recovered from the scene. An autopsy revealed that the victim was shot at least 17 times in his legs, back, and torso.

II. PAROLE HEARING ON SEPTEMBER 29, 2020

On September 29, 2020, Eddy Lopez, now 46-years-old, appeared before the Parole Board for an initial hearing. He was not represented by counsel. Mr. Lopez apologized to the victim's family. When the Board questioned him about his childhood, Mr. Lopez said that his father was a veteran, who would give "tough beatings" to both he and his siblings. While Mr. Lopez claimed that he did not have any mental health issues related to his abusive childhood, he admitted that he would, at times, take out his anger (towards his father) on others. Mr. Lopez recounted how, in elementary school, children from another school would come to his school and start fights. As he got older, these fights got more serious, culminating in the gang rivalry that led to the murder of Mr. Martinez. In discussing the governing offense, Mr. Lopez stated that the murder was in retaliation for a violent altercation with rival gang members earlier in the day. At the time of the offense, he was "living life in the fast lane" and did not reflect on the consequences of his actions. When a Board member questioned why it was necessary to shoot the victim 17 times, Mr. Lopez responded that he reacted "foolishly."

The Board noted that Mr. Lopez has a history of violent assaults on other inmates, as recently as 2016. In discussing the 2016 assault, Mr. Lopez admitted that he could have chosen a better route; however, he was still transitioning into a more "peaceful" person. Mr. Lopez went on to tell the Board that, as an older inmate, he tries to give younger inmates advice. In this instance, Mr. Lopez explained that the younger inmate did not want to heed his advice. Mr. Lopez said, "One thing led to another" and the situation escalated into a physical fight. The Board noted that the inmate was beaten unconscious and suffered serious injuries. The Board also noted that Mr. Lopez has incurred several disciplinary reports for violent assaults, and that it appeared he was still operating like a gang leader within the prison.

When the Board questioned him as to his vocational and rehabilitative programming efforts, Mr. Lopez said that he has worked for over a year as a barber. However, he does not have his license. He has obtained his GED and claims that he does not have substance abuse issues. Mr. Lopez also stated that he said he has begun the Victim Impact Program. The Board noted that although Mr. Lopez has completed several programs, they are concerned that he has not engaged in much programming and counseling to address his anger and violence issues.

The Board considered testimony from Mr. Lopez's family members. The victim's family offered testimony in opposition to parole. Essex County Assistant District Attorney Cathryn Semel testified in opposition to parole and submitted a letter of opposition, as well.

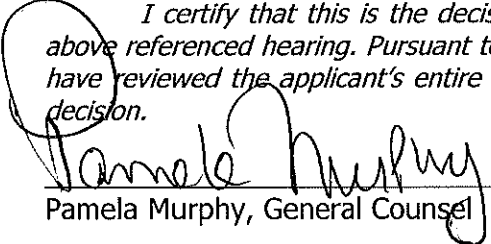
III. DECISION

The Board is of the opinion that Eddy Lopez has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. In 2003, Mr. Lopez and an associate shot and killed Gilberto "Jay" Martinez. Mr. Lopez has a long, documented history of violence in the community and within the confines of a correctional institution. He has yet to fully address his causative factors to include his propensity for violence. Mr. Lopez incurred a disciplinary infraction in 2016 for assaulting another inmate. Mr. Lopez should renounce his STG (Security Threat Group) affiliation. Mr. Lopez, based on his criminal history, institutional adjustment, and minimum involvement in meaningful treatment and programming, 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. Lopez'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. Lopez's risk of recidivism. After applying this standard to the circumstances of Mr. Lopez's case, the Board is of the unanimous opinion that Eddy Lopez is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Lopez's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Lopez to continue working toward 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.


Pamela Murphy, General Counsel

8/30/2021
Date