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DECISION

IN THE MATTER OF

EDUARDO ALVAREZ

W40093

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 25, 2016

DATE OF DECISION: March 29, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 17, 1983, in Suffolk Superior Court, Eduardo Alvarez pled guilty to the second degree murder of 60-year-old Alfred Spooner and received a sentence of life in prison with the possibility of parole. That same day, Mr. Alvarez also pled guilty to armed robbery and assault by means of a dangerous weapon, to wit: a knife. Mr. Alvarez was sentenced to 18 to 20 years for the charge of armed robbery and 3 to 5 years for the charge of assault with a dangerous weapon. These sentences were ordered to run concurrently with Mr. Alvarez's life sentence.

During the late hours of February 13 and into the early hours of February 14, 1983, Eduardo Alvarez, Alfred Spooner, and another gentleman were playing cards in Mr. Spooner's barroom. At around 2:00 a.m., the card game concluded and both Mr. Alvarez and the other

¹ Four of the six Parole Board Members voted to schedule a review hearing in three years. Two Board Members voted to schedule a review hearing in four years.

gentleman went into the men's room. Upon their return, Mr. Alvarez attacked and stabbed Mr. Spooner until he fell to the ground. Mr. Alvarez then began attacking the other gentleman, who tried to fight him off. The other gentleman was injured, but was able to run for help. While he was gone, Mr. Alvarez robbed Mr. Spooner. At around 2:30 a.m., Boston police arrived and found Mr. Spooner stabbed, while pleading for help. As they entered the bar, Mr. Alvarez lunged at police with a knife, but was stopped at gunpoint. Mr. Spooner was able to tell police that Mr. Alvarez had stabbed and robbed him. Mr. Alvarez informed police that he stabbed both Mr. Spooner and the other gentleman in self-defense. Mr. Spooner was treated at Boston City Hospital for 10 stab wounds and a slash across his face. He died on April 4, 1983, as a result of his injuries.

II. PAROLE HEARING ON OCTOBER 25, 2016

Eduardo Alvarez, now 64-years-old, appeared before the Parole Board for a review hearing on October 25, 2016, and was represented by Student Attorney John O'Hara. Mr. Alvarez received assistance from a Spanish language interpreter. Mr. Alvarez was denied parole after his initial hearing in 2000. Mr. Alvarez was also denied parole after his review hearings in 2005 and 2010. Mr. Alvarez has an Immigration and Customs Enforcement (ICE) detainer for deportation to his native country of Cuba. However, it is uncertain whether Mr. Alvarez would be allowed to return to Cuba.

In his opening statement to the Board, Mr. Alvarez apologized for the pain that he caused to Mr. Spooner's family. He also admitted his guilt and expressed his remorse for killing Mr. Spooner. Mr. Alvarez's attorney gave an opening statement that described Mr. Alvarez's impoverished childhood in Cuba, as well as the time he spent incarcerated as a teenager, where he was subjected to forced labor. He explained that Mr. Alvarez was 13-years-old when he received a six year prison sentence for stealing a chicken. After completing his sentence for stealing the chicken, he received an 11 year sentence for stealing clothing from a laundromat. Mr. Alvarez was questioned about his immigration to the United States. He said that he came to the U.S. in 1980, as part of the Mariel Boatlift. After arriving in Miami, he was sent to a refugee camp in Wisconsin. After spending about a month in Wisconsin, Mr. Alvarez was sent to Toronto, Canada, where he remained for about a year. From Toronto, he was transferred to a federal prison in Atlanta. He was subsequently allowed to move to Dorchester.

During the course of the hearing, Mr. Alvarez was asked about his underlying crime. At the time of the crime, Mr. Alvarez (who was homeless) was in a bar playing poker with Mr. Spooner and another gentleman. Mr. Alvarez said that an argument arose after a "misunderstanding" regarding his poker hand and that he stabbed Mr. Spooner 10 or 11 times. When asked why he stabbed him so many times, Mr. Alvarez said that Mr. Spooner grabbed his hand after he stabbed him once and that he did not know another way to deal with the situation. A Board Member asked Mr. Alvarez if the other man was cut or stabbed during the altercation. Mr. Alvarez replied, "No."

When asked why he believes he was denied parole at his last hearing, Mr. Alvarez indicated that the Board wanted him to do more programming. He also said, "Maybe poor behavior." Mr. Alvarez was asked what he has accomplished since his last hearing. In response, Mr. Alvarez said that his life has changed, and he knows that he has made a lot of mistakes. A Board Member questioned Mr. Alvarez as to what he has done to address his

issues with anger. Mr. Alvarez said that jogging has helped him get to know himself better. He said he is on the waiting list for the Alternatives to Violence Program.

Mr. Alvarez was questioned about the disciplinary reports incurred since his last hearing. Mr. Alvarez received one of the three disciplinary reports in 2013 for engaging in a physical altercation with another inmate. Mr. Alvarez said that it was a "misunderstanding" over a light. When asked who threw the first punch, Mr. Alvarez indicated that he put his hands on the other inmate first, and in response, the other inmate punched him. A Board Member questioned why Mr. Alvarez did not handle the situation differently. Mr. Alvarez believes that he would have a "better solution" now, if a situation like that arose again. Mr. Alvarez was also asked if the Board should be concerned that he was still getting into fights at 61-years-old. In response, Mr. Alvarez said, "You don't have to worry about that...no-never going to happen again." Mr. Alvarez was also asked about an incident involving a pair of eyeglasses and whether he was trying to use them as a weapon. Mr. Alvarez maintains that he was not trying to use them as a weapon, but was charged with having a weapon. Mr. Alvarez told the Board that he was using the glasses as some sort of tool.

During his incarceration, Mr. Alvarez participated in the Correctional Recovery Academy and earned his English as a Second Language (ESL) certificate. Mr. Alvarez is not presently employed. He was previously employed in the Companion Program, where he provided assistance to an older inmate by bringing him to the chapel, the hospital unit, the gym, and the yard. In addition to running, Mr. Alvarez also draws, writes poetry, and plays Scrabble in his spare time. Mr. Alvarez acknowledged that he needs counseling to address issues from his childhood.

Mr. Alvarez had some supporters from Northeastern University present at his hearing. The Board received letters of opposition from Boston Police Commissioner William B. Evans and Suffolk County Assistant District Attorney Charles Bartoloni.

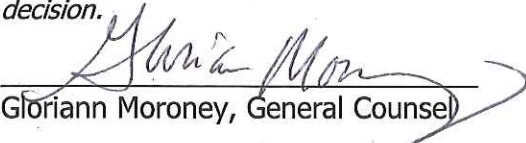
III. DECISION

Mr. Alvarez has served 34 years for his governing offense. He has not engaged in programming to address his causative factors and has yet to propose a viable parole plan, if he is not deported to Cuba. Mr. Alvarez has limited supports in the community and would need to establish a stable and viable release plan to include employment, housing, and treatment services.

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. Alvarez'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. Alvarez's risk of recidivism. After applying this standard to the circumstances of Mr. Alvarez's case, the Board is of the opinion that Mr. Alvarez is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Gloriann Moroney, General Counsel

3/29/17
Date