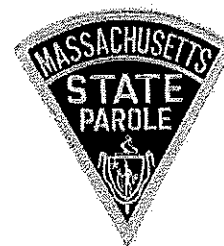


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

EDUARDO ALVAREZ

W40093

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 29, 2019

DATE OF DECISION: July 1, 2020

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 scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 17, 1983, in Suffolk Superior Court, Eduardo Alvarez pleaded guilty to second-degree murder in the death of 60-year-old Alfred Spooner and was sentenced to life in prison with the possibility of parole. On that same date, he pleaded guilty to armed robbery and assault by means of a dangerous weapon, to wit: a knife. He received an 18 to 20 year sentence and a 3 to 5 year sentence, respectively, to run concurrent with the life sentence.

During the late hours of February 13 and into the early hours of February 14, 1983, 30-year-old 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 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 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 had been stabbed and was 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 29, 2019

Eduardo Alvarez, now 67-years-old, appeared before the Parole Board on October 29, 2019, for a review hearing. He was represented by a student attorney from Northeastern University School of Law. Mr. Alvarez was denied parole after his initial hearing in 2000, and after his review hearings in 2005, 2010, and 2016. Mr. Alvarez told the Board that he grew up in Cuba before moving to the United States in 1980. He had little support when he first arrived in the United States and struggled to maintain housing and employment. Eventually, he had to leave his apartment because he could no longer afford rent. Mr. Alvarez explained that he was "desperate" and "alone in the streets." He did not know Mr. Spooner "directly," but had visited his barroom before the night of the murder. He said that the two men had no issues and had never had a conversation aside from ordering a drink.

The Board questioned Mr. Alvarez as to the details leading up to the governing offense. Mr. Alvarez said that he was drinking at the bar when a small group of men, including Mr. Spooner, invited him to join a card game. The game lasted about two hours, but Mr. Alvarez said that he was not familiar with the game and his limited English made conversing with others difficult. As the game progressed, Mr. Alvarez lost nearly all of the \$120 he had in his possession. Toward the end of the game, Mr. Alvarez believed the other players were cheating him, which made him "feel bothered." After returning to the table from the bathroom, Mr. Alvarez stabbed Mr. Spooner in the back and neck until he fell to the ground. He continued to stab him, agreeing with the Board's assessment that he inflicted 11 wounds with the knife. He admitted to taking money both from the floor and from Mr. Spooner's wallet and watch. When asked why he also attacked another man at the bar (who escaped with minor injuries), Mr. Alvarez stated that he does not recall attacking the man, but knows from review of documentation that he did. The Board noted that Mr. Spooner's injuries paralyzed him, and that he died from his injuries two months later.

Mr. Alvarez told the Board he was carrying a knife that night to protect himself from gang violence, which had been a problem in the city at the time of the murder. When questioned by the Board as to his motive for the murder, Mr. Alvarez admitted to drinking that night, but stated that alcohol was not the only reason he attacked Mr. Spooner. He believes that prior trauma, as well as stress about his desperate situation, contributed to his disproportionate reaction to the belief that he was being cheated. Mr. Alvarez now he thinks it possible that he was never cheated by the other players, but rather, he just did not understand the game.

The Board noted that Mr. Alvarez recently enrolled in Anger Management and was on the waitlist for other programs. He was enrolled in ESL classes in 2018, but was terminated from the program for missing class. Board Members explained that they struggled with Mr. Alvarez's lack of participation in programming or employment since his last hearing (in 2016), especially when the Board specifically recommended in their decision that he complete various programs. Mr.

Alvarez explained that his limited English made participation in programming difficult. He found ESL classes rife with "distractions," so he focused instead on self-rehabilitation. He said that he has benefited from individualized focus on learning English and creating art. Mr. Alvarez told the Board that he last held a job nine years ago, when he worked as an aide for four months. Previously, his longest institutional job was a janitorial position, which he held for approximately two years. Mr. Alvarez claims that the "person [he] was [at the time of the murder] is no longer the person [he] is today."

When Board Members asked him to describe parole plan, Mr. Alvarez said that he is not sure if he has any family in the United States and he has not yet identified a specific program(s) to assist in his reentry. However, he plans to utilize institutional programs to ensure a successful transition into the community. Board Members asked Mr. Alvarez how they could be assured that he could support himself, and not harm himself or others, given his lack of formal programming and employment while incarcerated. Mr. Alvarez explained that he now has a better understanding of his problems and has changed his way of thinking. He has educated himself and has developed healthy habits that will serve him well in reentry. The Board noted Mr. Alvarez was ordered deported back to Cuba in September 2019.

Boston Police Department Commissioner William Gross submitted a letter in opposition to parole.

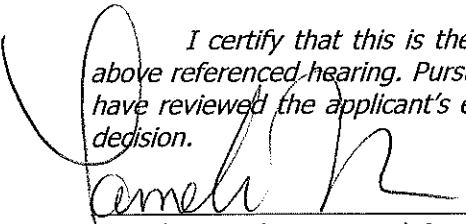
III. DECISION

The Board is of the opinion that Eduardo Alvarez has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Alvarez has served approximately 37 years for the murder of Mr. Spooner. Since his last hearing, he has not participated in the recommended programming and, in addition, has failed to maintain employment within the institution. It is the opinion of the Board that he is not motivated to change. Release is not compatible 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 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 unanimous opinion that Eduardo 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 two years from the date of this hearing. During the interim, the Board encourages him 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.



Pamela Murphy, General Counsel

1/1/2020
Date