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

**PAROLE BOARD**

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Charlene Bonner  
Chairperson

**DECISION**

**IN THE MATTER OF**

**ELSIDO PEREYRA**

**W66131**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 7, 2015

**DATE OF DECISION:** June 10, 2015

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

**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 written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole with special conditions. Reserve to the Immigration and Customs Enforcement (ICE) detainer, as Elsid Pereyra has been ordered removed from the United States to the Dominican Republic by the Immigration Court. An ICE detainer is lodged with the Department of Correction.

**I. STATEMENT OF THE CASE**

On March 2, 1999, Elsid Pereyra pleaded guilty to second degree murder in Essex Superior Court and was sentenced to life imprisonment.

On May 3, 1998, 34-year-old Pereyra shot and killed 17-year-old Ricardo Torres in Lawrence. Pereyra owned El Coqui, a market on Newbury Street in Lawrence. On the day of the murder, Mr. Torres' girlfriend was in El Coqui when an employee (Pereyra's brother) made a lewd comment about her body. Pereyra was not in the market when the rude comment was made. After Mr. Torres' girlfriend left the market and told him what had happened, Mr. Torres went back to speak to Pereyra's brother. There was a brief confrontation inside the store between Mr. Torres and Pereyra's brother and, after the argument, the brother called Pereyra. Pereyra then went to the store, spoke with his brother, and went outside to confront Ricardo



Torres. A fight ensued, during which a number of punches were exchanged. Pereyra was cut on the lip and bleeding. As Mr. Torres was running away, Pereyra took out a gun and shot him.

Pereyra was arrested with the gun shortly thereafter. During the course of the investigation, Pereyra admitted that he had shot Mr. Torres as he was running away, but told officers that Mr. Torres often went into his store asking for money and bothering him. He further stated that on the night of the murder, Mr. Torres said that he was going to kill Pereyra because Pereyra would not loan him money or give his father merchandise on credit. He stated that he shot Mr. Torres because he was scared. Mr. Torres died from a single gunshot wound to the back. Gang members, allegedly in retaliation for the death of Mr. Torres, set fire to the El Coqui market and destroyed the business several days after the murder.

## **II. PAROLE HEARING ON APRIL 7, 2015**

This was Elsidio Pereyra's second appearance before the Board. His initial hearing was in 2013, after which he was denied parole with a review in two years. Pereyra is 50-years-old and has served 17 years of his life sentence. Attorney Eva Clark represented Pereyra at the hearing and he was afforded assistance via a translator. Attorney Clark provided an opening statement outlining why Pereyra is a viable candidate for parole and expressed her unwavering support regarding his petition for parole. In addition, she summarized his parole plan, which includes a support network to aid in his reintegration. Pereyra provided an opening statement in which he expressed his remorse and shame for having taken the life of Ricardo Torres. He acknowledged the suffering and damage caused by his inability to control his emotions. Pereyra, however, also spoke of his rehabilitation that resulted from taking full advantage of the treatment and programming opportunities that have been afforded to him.

Since entering the institution, he has completed several programs that addressed his criminal behavior and which would enhance his reintegration into the community. These programs included the topics of anger/violence, education/vocation, and substance abuse/dependency. Pereyra provided the Board with an overview of the treatment and programming that he has continued to engage in since his last hearing, including: Emotional Awareness; Restorative Justice; Nuestra Familia; Alcoholics Anonymous; and religious services. According to his personalized program plan, he is considered a low risk for violence and a low risk to recidivate. He is not pending any additional programming and has been employed by MassCor since 2008. He does not perceive drugs to be an issue, but indicates he realized at the onset of his incarceration that he had an issue with alcohol. In accordance with Departmental records, there is no indication of alcohol or substance use in the past 17 years.

Pereyra informed the Board of his involvement in the Restorative Justice program (rehabilitation of offenders through reconciliation with the victims and the community at large) and how it provided him with a greater understanding of accepting responsibility for his actions. He described his participation in the Emotional Awareness program and spoke of the skills he developed to manage his anger, as well as how he now possesses a deeper understanding of his triggers.

Pereyra was born and raised in the Dominican Republic. At age 17, with the consent of his father, he traveled to the United States in pursuit of a better future. After arriving in Lawrence with a stolen visa, he secured employment and worked two jobs over the course of



the next four years. In 1984, he met his (former) wife and they had a son in 1985. After the birth of his son, he pursued the path of becoming a legal immigrant. He traveled back to the Dominican Republic to retrieve his legal documents and was able to re-enter the United States legally in 1987. He secured employment at a shoe company and then a fabric company. After years of hard work and with the assistance of family, Pereyra and his former wife were able to open the El Coqui market and, ultimately, purchase their first home. Although he found running his own business rewarding, he also realized that there were some draw backs, as the store had been robbed and burglarized on multiple occasions. He believes that his frustrations regarding the safety of the store manifested themselves on May 3, 1998, when he shot and killed Mr. Torres.

Pereyra had a minimal criminal record prior to the murder. In 1987, his brother used Pereyra's identity when he was arrested for disorderly conduct. These charges were subsequently dismissed against Pereyra. In 1995, Pereyra was charged with assault and battery, but the case was ultimately dismissed, as the complaining witnesses were not found to be credible.

Pereyra provided a detailed and comprehensive version of the offense for which he has been convicted that is consistent with all known facts. As he recounted the events leading up to the murder, he recognized that it was his brother who made the disrespectful comment to the victim's girlfriend. Ultimately, however, it was Pereyra who fired a single gunshot at the victim as he attempted to flee. Looking back, Pereyra now understands that he did not possess the skill or tools necessary to manage his emotions. He informed the Board that he armed himself for his own protection, since he did not know what to anticipate when he arrived at the store or whether the victim was armed.

According to DOC Classification Reports, Pereyra has maintained an exemplary record within the correctional system, accruing only three disciplinary reports over 17 years, the last of which was issued in 2010. The reports are minor in nature, with none for violence or substance abuse. He was housed in protective custody while awaiting trial because of the many gang members at the jail that were affiliated with the victim. His enemies list at the Department of Correction includes members of the victim's gang.

Pereyra seeks a parole to his ICE detainer, as he has been ordered removed from the United States to the Dominican Republic by the Immigration Court. An ICE detainer is lodged with the Department of Correction. Pereyra plans to reside at his parent's home in the Dominican Republic and has employment prospects that include working in the warehouse and sales department of his uncle's business. In addition, he plans to participate in religious services and to seek programming at a technical/vocational school. Several family members and friends attended the hearing in support of Pereyra's petition for parole, including his cousin/god-daughter, niece, two sisters, and a friend/former employee. They spoke in support of his parole, noting that they will provide him with the necessary supports to successfully re-enter the community.

No one from the victim's family was present in opposition to Pereyra's release. There were also no written submissions in opposition to his release. However, Essex County Assistant District Attorney Emily Mello provided a letter and spoke in opposition to parole. ADA Mello outlined the reasons for opposition at the hearing citing in part that "Mr. Pereyra's account of

the murder is self-serving, shows a lack of insight into his criminal thinking, and demonstrates an unwillingness to take responsibility for his actions."

### **III. DECISION**

Pereyra has served 17 years of his sentence and has maintained an exemplary record within the correctional system. He appears empathetic and insightful as to his behavior that resulted in the death of Mr. Torres. During his 17 years of incarceration, Pereyra chose a path of rehabilitation and has engaged in numerous programs. He has maintained a positive adjustment and has maintained employment. The Board is of the opinion that Pereyra has demonstrated rehabilitative progress and that supervised release is not incompatible with the welfare of society.

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, it is the unanimous opinion of the Board that Elsidio Pereyra merits parole release with special conditions, including reserve to the ICE detainer lodged with the Department of Correction.

**SPECIAL CONDITIONS:** Release to other authority – ICE detainer; if released from ICE detainer, approve home plan before release; waive work for two weeks; curfew at the discretion of the parole officer; abstain from drugs and alcohol with testing in accordance with agency policy; substance abuse evaluation; no contact with the victim's family; mental health counseling for transition and adjustment; GPS at the discretion of the parole officer; must report to assigned MA parole office on day of release.

*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.*

  
Peter Mimmo, Staff Attorney

6/10/2015  
Date