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**PAROLE BOARD**

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Paul M. Treseler  
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Executive Director

**DECISION**

**IN THE MATTER OF**  
**FELIPE VICTORIO**  
**W70030**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** September 15, 2015

**DATE OF DECISION:** January 14, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On October 5, 2001, in Worcester Superior Court, Felipe Victorio pleaded guilty to second degree murder in the shooting death of two-year-old Keila Morales. He was sentenced to life in prison with the possibility of parole, after serving 15 years. On that same date, Felipe Victorio also pleaded guilty to armed assault in a dwelling, four counts of assault and battery with a dangerous weapon (gun), and two counts of armed assault. All sentences were to be served concurrent with his life sentence.

On November 6, 1993, Felipe Victorio asked a man to store a sawed-off shot gun and crack cocaine in his room at a boarding house in Worcester. However, the shot gun and drugs were stolen from the man's room the next day. On November 7, 1993, Victorio returned to the boarding house for his gun and drugs. When the man explained that the gun and drugs were stolen, Victorio angrily left. Victorio admits he told the victim that if the gun and drugs were not there upon his return, there would be "serious problems" between them. At approximately 7:00 p.m. on that same day, Victorio returned to the boarding house. He was armed with the intent to kill the man and his associate if they could not produce his gun and drugs. Unannounced, Victorio entered the man's room. The man was in the room with his girlfriend



and their two children, as well as his girlfriend's other two children. The girlfriend was seated on the bed with her baby on her lap. Her eight-year-old daughter was seated next to her. The man's son was seated on the floor with 2-year-old Keila Morales next to him on a small couch. The girlfriend heard Victorio ask the man for his gun and drugs. When the man said he didn't have them, Victorio produced a gun and pointed it at him. The man pleaded with Victorio not to hurt him, but Victorio nevertheless shot him multiple times. The man fell to the floor and Victorio then left the room. The girlfriend ran to call police and, when she returned, her 8-year-old daughter said, "Mommy, Keila is hurt." Blood was coming from Keila's mouth, as she had been shot at least three times.

Meanwhile, Victorio went to the first floor kitchen (a shared kitchen for all occupants of the rooming house) and started shooting. A man sitting at the table was shot in the ankle. Before Victorio left the kitchen area, he pointed his gun at another man at close range and pulled the trigger. Fortunately, Victorio's gun was out of ammunition and did not fire. Victorio then fled the building. Keila Morales was taken to UMass Medical Center, where doctors unsuccessfully tried to save her life. Keila succumbed to multiple gunshot wounds. The target of Victorio's shooting rampage (Keila's father) survived after extensive surgeries and rehabilitation.

After the shooting, Victorio fled the area and eluded law enforcement authorities for approximately seven years. He was finally apprehended in the Dominican Republic and extradited to Massachusetts to appear before the court and answer to the murder and assault charges.

## **II. PAROLE HEARING ON SEPTEMBER 15, 2015**

Felipe Victorio, now 47-years-old, appeared for his initial parole hearing after serving 15 years of his life sentence. He was represented by Attorney John Rull. Victorio is currently serving his sentence at MCI-Norfolk, where he has been incarcerated since August 2004. At the hearing, Victorio testified through a Spanish interpreter.

Attorney Rull provided an opening statement outlining why Victorio is a viable candidate for parole supervision. He informed the Board that Victorio accepts full responsibility for the tragic death of Keila Morales, the reckless behavior that resulted in injury to the man shot in the ankle, and the intentional shooting of the victim who was the target of his rage. He said that Victorio deeply regrets the pain he caused to their family and friends. In addition, Attorney Rull summarized Victorio's parole plan, which included a support network to aid in his reintegration.

Victorio also provided an opening statement in which he expressed his remorse and accepted full responsibility for the tragic death of Keila Morales and for the injuries to the other victims. He said that he deeply regrets the pain he caused to Keila's family and friends, telling the Board that the suffering he caused is horrendous and inexcusable. He also spoke of his rehabilitation, stating that he took full advantage of the treatment and programming opportunities that have been afforded to him while incarcerated.

Since entering the institution, Victorio has completed several programs to address his criminal behavior and enhance his reintegration into the community. These programs addressed issues of anger and violence, educational and vocational training, and substance abuse and dependency and included Jericho Circle, Alternatives to Violence, and the



Correctional Recovery Academy (CRA). In addition, he earned his General Equivalency Diploma while incarcerated. He is currently engaged in the Path of Freedom, the CRA, and graduate maintenance programs and participates in religious services. Victorio informed the Board that his involvement in the Alternatives to Violence program provided him with methods of transforming power and conflict resolution. He said that he now possesses the tools to understand his triggers and is able to avoid violence and self-destructive behaviors. The CRA assisted him in retiring his criminal thinking and behaviors in order to foster healthy thoughts, attitudes, and behaviors. He is employed in the Clothing Shop through MassCor Industries, and he previously worked in both the kitchen and maintenance areas. He has also been a unit runner. On a weekly basis, he participates in Alcoholics Anonymous (AA) and the 12 Step program. According to departmental records, there is no indication of alcohol or substance use in the past 15 years. According to DOC classification reports, Victorio has maintained a positive record within the correctional system and has accrued only five disciplinary reports (considered to be minor in nature), the last of which was issued in 2010.

Victorio provided a detailed and comprehensive version of his underlying offenses that is in conflict with all known facts. As he recounted the events leading up to the murder, Victorio informed the Board that it was his intention to kill the victim for his failure to return the gun and drugs left with him. However, he disputes the fact that he knew (and was aware) that there were other occupants in the victim's apartment, including four children, while he continued to fire rounds at his intended target. Victorio told the Board that he pursued the victim out of the room and down two hallways, all the while firing his handgun, before the victim collapsed back at the threshold of his apartment. As the victim lay there, Victorio said he continued to fire the weapon recklessly. He told the Board that he was unaware he had killed the young child until the next day.

Victorio seeks a parole to his INS detainer, as he was ordered removed from the United States to the Dominican Republic by the Immigration Court. An INS detainer is currently lodged with the Department of Correction. He has been accepted into a sober house and, upon completion, will reside at his family home in the Dominican Republic. Employment prospects include maintaining the family land and running a convenience store. In addition, he plans to maintain his sobriety through continued participation in AA and the 12 Step program.

Many family members and friends attended the hearing in support of Victorio's petition for parole. His sons, nephew, sister, and niece spoke in support of parole, noting that they will provide him with the necessary support to successfully re-enter the community. There were also numerous written submissions to the Board in support of parole for Victorio.

There were no victims or victims' family members present at the hearing in opposition to Victorio's parole. Worcester County Assistant District Attorney Michelle King provided a letter and spoke in strong opposition to parole. ADA King stated in part that "there is no assurance that Mr. Victorio will not re-offend if granted parole, and his parole would unnecessarily expose the public to a serious risk of harm. His continued incarceration under a life sentence for the murder of Keila Morales is not only proper punishment, but is also necessary to protect the welfare of our citizens."



### III. DECISION

Felipe Victorio had only been in Massachusetts for a few months when he murdered two-year- old Keila Morales. During the commission of the crime, he exhibited an extreme level of violence and anger. He armed himself with the intent to shoot and kill the victim and an associate if they failed to produce his gun and drugs. Victorio fled the country after his crimes and evaded arrest, until he was finally located and extradited back to Massachusetts. There is no indication that Victorio had plans to turn himself into the authorities to answer for his crimes.

Victorio has served 15 years of his life sentence and has maintained a positive record within the correctional system. During his years of incarceration, Victorio chose a path of rehabilitation and engaged in numerous programs, managed a positive adjustment, and maintained employment. However, the Board is troubled by his recollection of the facts of his governing offense. Victorio minimizes the criminal activity he engaged in to support himself, while living in the United States illegally. In addition, the Board would be remiss if it did not take into account that Victorio was on the run for almost seven years, during which time he continued to use drugs and alcohol as an escape. The Board is of the opinion that Victorio needs to demonstrate rehabilitative progress and success through a longer period of positive institutional adjustment and programming before his release is compatible 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 Felipe Victorio does not merit parole at this time. The review will be in three years, during which time Victorio should engage in available programming and continue with his positive behavior.

*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.*

  
Michael J. Callahan, Executive Director

January 14, 2016  
Date