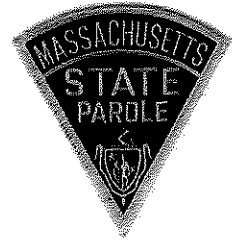


*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

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*Lieutenant Governor*

**Thomas A. Turco III**  
*Secretary*

**Gloriann Moroney**  
*Chair*

**DECISION**

**IN THE MATTER OF**

**FELIPE VICTORIO**

**W70030**

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** September 6, 2018  
**DATE OF DECISION:** September 4, 2019

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe, 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 that the inmate is not a suitable candidate for parole.<sup>1</sup> 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 2-year-old Keila Morales. He was sentenced to life in prison with the possibility of parole after serving 15 years. On that same date, Mr. 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 concurrently 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, Mr. Victorio returned to the boarding house for his gun and drugs. When the man explained that the gun and drugs were stolen, Mr. Victorio angrily left. Mr. Victorio admits he told the victim that if the gun and

<sup>1</sup> One Board Member voted to parole Mr. Victorio to his ICE detainer.

drugs were not there upon his return, there would be "serious problems" between them. At approximately 7:00 p.m. on that same day, Mr. 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, Mr. 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 8-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 Mr. Victorio ask the man for his gun and drugs. When the man said he didn't have them, Mr. Victorio produced a gun and pointed it at him. The man pleaded with Mr. Victorio not to hurt him, but Mr. Victorio nevertheless shot him multiple times. The man fell to the floor, and Mr. 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, Mr. 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 Mr. Victorio left the kitchen area, he pointed his gun at another man at close range and pulled the trigger. Fortunately, Mr. Victorio's gun was out of ammunition and did not fire. Mr. 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 Mr. Victorio's shooting rampage (Keila's father) survived after extensive surgeries and rehabilitation.

After the shooting, Mr. 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 6, 2018**

Felipe Victorio, now 51-years-old, appeared before the Parole Board for a review hearing on September 6, 2018. He was represented by Attorney John Rull and was afforded the services of an interpreter. He had been denied parole after his initial hearing in 2015. At this hearing, Mr. Victorio provided an apology to the victim's families for the pain and suffering he caused them.

When Board Members questioned him about his social history, including the causative factors that led him to prison, Mr. Victorio attributed his criminal behavior to pent-up anger and a feeling of worthlessness. Mr. Victorio grew up in a poverty stricken village in the Dominican Republic; his father was an abusive alcoholic. He began to abuse alcohol at age 12, engaged in the daily use of marijuana at age 17, and experimented with cocaine at age 18. At age 22, Mr. Victorio traveled to Puerto Rico before arriving in the United States illegally. He fell into the wrong crowd and began selling drugs to support himself financially. Mr. Victorio continued to abuse alcohol and drugs, completely disregarding his own life, or the life of any other person, when he fatally shot Keila Morales, (permanently) wounded her father, and assaulted another man.

When the Board questioned him about why the version of the governing offense he gave at his last hearing differed from what witnesses described, Mr. Victorio explained that he did not express himself well. He admitted to entering the room and shooting at the man who

was holding guns and drugs for him. Mr. Victorio said that he was so focused on his target that he did not notice the woman and children who were in the room. Mr. Victorio described how he shot his intended victim, how the victim fell to the ground, and how he shot him again as he tried to get up. Mr. Victorio went on to describe how he went downstairs and pointed his gun at the face of a second man and pulled the trigger, but the gun jammed. Mr. Victorio acknowledged that he intended to murder these two men, but that he had no intention of hurting anyone else. When a Board Member questioned him about the motive for the shooting, Mr. Victorio admitted that he was part of a group of drug dealers that were trying to move from New York City and establish themselves in Western Massachusetts.

The Board questioned Mr. Victorio as to his progress in rehabilitation since his commitment, as well as his level of insight and candor, in order to evaluate his parole suitability. Mr. Victorio is currently incarcerated at MCI-Norfolk, where he works in the industries program. The Board acknowledged the programming efforts that Mr. Victorio engaged in several years ago. Since his last hearing, he has completed programming to include, but not limited to: Restorative Justice Reading Group, Violence Reduction, Correctional Recovery Academy, Countdown to Freedom, English as a Second Language, and Nuestra Family (all phases). Additionally, Mr. Victorio attends Alcoholics Anonymous and Narcotics Anonymous on a regular basis. Mr. Victorio said that having gone through the Correctional Recovery Academy twice, he is a low risk for substance abuse. He reported that he has shared his story in the Restorative Justice Program several times and that he is classified as a low risk for recidivism and violence.

Several of Mr. Victorio's family members were present during the hearing; two sisters, a nephew, and his son spoke in support of parole. The Worcester County District Attorney's Office submitted a written statement in opposition to parole. Worcester County Assistant District Attorney Michelle King was present at the hearing.

### **III. DECISION**

Although he has made strides in his rehabilitation, it is the opinion of the Board that Felipe Victorio has yet to demonstrate a level of rehabilitation that would be 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. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Victorio's risk of recidivism. The Board considered Mr. Victorio's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. After applying this standard to the circumstances of Mr. Victorio's case, the Board is of the opinion that Felipe Victorio is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Victorio'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. Victorio 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

9/4/2019  
Date