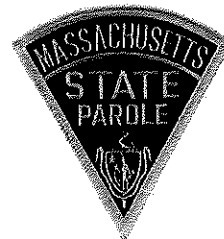


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Paul M. Treseler
Chairperson

Gloriann Moroney
Executive Director
General Counsel

DECISION

IN THE MATTER OF

GERSON CHAVEZ

W65591

TYPE OF HEARING: Review Hearing
DATE OF HEARING: January 23, 2018
DATE OF DECISION: October 17, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to Mr. Chavez’s Immigration and Customs Enforcement (ICE) detainer with special conditions.

I. STATEMENT OF THE CASE

On November 16, 1998, in Essex Superior Court, Gerson Chavez pleaded guilty to the second degree murder of Paul Cunha and was sentenced to serve life in prison with the possibility of parole. Mr. Chavez also pleaded guilty to armed assault with intent to murder and received a concurrent sentence of 8-10 years.

On February 16, 1998, 24-year-old Gerson Chavez was drinking at a bar in Peabody. After the bar closed, Mr. Chavez drove his car into a crowd of people in front of the bar, running over a waitress from the bar (several times) and seriously injuring her. Mr. Chavez also hit and killed Paul Cunha before crashing the car. Mr. Chavez fled the scene. Police later found Mr. Chavez hiding in an apartment in Peabody.

II. PAROLE HEARING ON JANUARY 23, 2018

Gerson Chavez, now 44-years-old, appeared before the Parole Board for a review hearing on January 23, 2018. Mr. Chavez was represented by Northeastern School of Law Student Attorneys Kaire Colwell and Anna Rodriguez. Mr. Chavez spoke through a Brazilian-Portuguese interpreter. Mr. Chavez had been denied parole after his initial hearing in 2013. In his opening statement to the Board, Mr. Chavez apologized to the victims' families and expressed his remorse. Mr. Chavez said that before killing Mr. Cunha, he was an active alcoholic who drove drunk all the time. Mr. Chavez stated that he has been sober for nearly 20 years, has had only three minor disciplinary reports since being incarcerated, and has been rated at an extremely low risk for violence or recidivism.

When the Board asked why he believed he was denied parole in 2013, Mr. Chavez stated that he didn't tell the truth about the events on the night of February 16, 1998. The Board asked Mr. Chavez if he remembers killing Mr. Cunha, as well as repeatedly running over his other victim. Mr. Chavez said that he remembers crashing the car, a crowd of people yelling at him, and running from the scene. When the Board asked why he thought the people were yelling, he said "because of the victims."

The Board questioned Mr. Chavez as to his programming participation since his last hearing. Mr. Chavez said he continues to work in the upholstery shop, attends Alcoholics Anonymous and church every week, and studies English as a Second Language and Adult Basic Education (A.B.E.). Mr. Chavez asked for a reserve to his Immigration and Customs Enforcement detainer. He expects to be deported to Brazil, where he will live and work on his family's farm and also work as an upholsterer. Mr. Chavez has strong support from his family and would continue to attend Alcoholics Anonymous meetings and religious services.

Mr. Chavez's supervisor at the prison upholstery shop spoke in support of parole. His parents and brothers sent letters from Brazil in support of parole. The surviving victim testified in opposition to parole. Essex County Assistant District Attorney Philip Mallard testified in opposition to parole.

III. DECISION

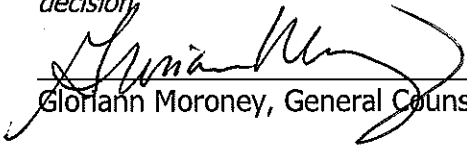
The Board is of the opinion that Gerson Chavez has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Gerson Chavez has served approximately 20 years of a life sentence. He is serving his first commitment. Mr. Chavez has availed himself of relevant programming to address his causative factors. Release is not incompatible 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. Chavez'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. Chavez's risk of recidivism. After applying this standard to the circumstances of Mr. Chavez's case, the Board is of the

unanimous opinion that Gerson Chavez merits parole at this time. Parole is granted to Mr. Chavez's Immigration and Customs Enforcement detainer with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Release to Immigration and Customs Enforcement (ICE) – Brazil; Waive work for two weeks; Must be at home between 10pm and 6am; Electronic monitoring –GPS; Supervise for drugs, testing in accordance with agency policy; Supervise for alcohol abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact w/victim's family; Must have mental health evaluation and adhere to plan; Must have substance abuse evaluation and adhere to plan.

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.



Gloriana Moroney, General Counsel/Executive Director

10/17/18
Date