



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

HUMBERTO SIERRA

W50777

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 4, 2016

DATE OF DECISION: February 2, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 an approved home plan with special conditions, after successful adjustment to 12 months in lower security.

I. STATEMENT OF THE CASE

On January 17, 1991, 18-year-old Humberto Sierra shot and killed 34-year-old Nestor Reyes. The motive for the killing was related to territorial issues between the two men over drug dealing. That day, Mr. Sierra spotted Mr. Reyes in what appeared to be an argument with one of his friends. Mr. Sierra retrieved a firearm that he had previously hidden and confronted Mr. Reyes, who reportedly had a knife. Mr. Reyes began running when he saw the gun, but Mr. Sierra shot him in the back as he tried to flee. Mr. Reyes was pronounced dead at a hospital a short time later. After learning that he had killed Mr. Reyes, Mr. Sierra fled to Florida, where he was apprehended on January 31, 1991. He was subsequently extradited to Massachusetts.

On June 17, 1991, in Hampden Superior Court, Humberto Sierra pled guilty to the second degree murder of Nestor Reyes. He was sentenced to life in prison with the possibility of parole. During the same proceedings, Mr. Sierra pled guilty to assault and battery with a

dangerous weapon (gun) and to carrying a firearm without a license.¹ He was sentenced to 1 to 10 years for the assault and battery with a dangerous weapon and 3 to 5 years for carrying a firearm without a license. Both sentences were ordered to run concurrent with Mr. Sierra's life sentence.²

II. PAROLE HEARING ON OCTOBER 4, 2016

Mr. Sierra's initial appearance before the Parole Board took place on January 24, 2006 and resulted in the denial of parole. On January 13, 2009, Mr. Sierra appeared before the Board for a review hearing. Mr. Sierra was released on March 26, 2009 to a long-term residential treatment program, complying with the terms of his parole. He maintained employment and participated in anger management. After completing the long-term treatment program, Mr. Sierra moved in with his mother and daughter. While on parole, however, Mr. Sierra had ongoing disputes (unknown to parole staff at the time) with his daughter. On August 21, 2011, Mr. Sierra was served with a restraining order taken out by his 20-year-old daughter. After being interviewed by parole staff, Mr. Sierra's daughter reported that she had been assaulted on two other occasions by her father. Mr. Sierra's parole was violated, and he was returned to custody on August 23, 2011.

Humberto Sierra, now 44-years-old, appeared before the Parole Board for a review hearing on October 4, 2016, and was represented by Attorney John Rull. This was his third review hearing since returning to custody in 2011. In his opening statement to the Board, Mr. Sierra expressed remorse for taking Mr. Reyes' life and for the impact that his actions had on the Reyes family, his own family, and the community. He offered his "most sincere and solemn apologies" for all the hardship, pain, and suffering that he caused them to endure. Mr. Sierra apologized to his daughter for his failures as a father, as well as to the Board for failing to comply with the terms and conditions of his parole.

Mr. Sierra addressed the impact that his actions as a young man have had on those around him. A Board Member asked Mr. Sierra about his statement of remorse, in which he expressed guilt over how his actions (both directly and indirectly) influenced the lives of his younger brother and cousin and, ultimately, contributed to their deaths. Mr. Sierra said that when he was younger, his cousin "idolized" the lifestyle that he lived. He knows that his conduct and influence led to young people in his community trying to follow in his footsteps. Mr. Sierra believes that his behavior contributed to the choices that his cousin and younger brother made. When he was paroled in 2009, Mr. Sierra had to reconcile the fact that he felt responsible for their deaths. After Mr. Sierra asked his mother to take him to the cemetery, he realized how "profoundly" his actions had affected not only his family, but the Reyes family, as well. That day, Mr. Sierra made a commitment to himself and to his mother that he would never again be responsible for causing so much pain and sorrow. While on parole, Mr. Sierra became involved in a program that helps at-risk youth and worked to convey the "importance of

¹ On October, 13, 1990, Mr. Sierra was present during an altercation between his friend, Manuel Colon, and another gentleman. During the fight, Mr. Colon reportedly told Mr. Sierra (several times) to shoot the other gentleman, since Mr. Colon was losing the fight. When the other gentleman learned that Mr. Sierra had a gun, he stopped fighting and began to run away. Mr. Sierra shot at him three times as he ran, with one of the bullets striking the gentleman in the leg. As the gentleman's friends tried to drive him to get medical care, Mr. Colon reportedly fired into the air in an attempt to prevent them from leaving. Both Mr. Sierra and Mr. Colon eventually left the scene. The gentleman was driven to the hospital, where he was treated for a non-fatal gunshot wound to his calf.

² Both the assault and battery and firearms violation sentences have expired.

making the right choice." Mr. Sierra told the young people he worked with that there is always an option, but the option does not include taking a life.

Mr. Sierra admitted that he was not forthright with his parole officer regarding the significant issues that he was having with his daughter during his parole. At the time, Mr. Sierra felt that he was strong enough to address his problems without assistance. However, he now realizes that he was not able to handle the situation on his own and should have been more forthcoming with his parole officer. Mr. Sierra said that he loves his daughter very much and hopes to rebuild his relationship with her. Since his return to custody, Mr. Sierra has developed new coping skills and has made mental health his primary focus. According to Mr. Sierra, childhood trauma gave him a false sense of how to react in certain situations. As a result, he believes that he developed an "instinctual way of reacting." Mr. Sierra has been working to avoid repeating negative patterns of behavior. When a conflict arises, Mr. Sierra now tries to understand his "unmet need" and that of the person with whom he is experiencing a disagreement. Mr. Sierra also credits his work as a dog handler in the NEADS program. Mr. Sierra said that his dog taught him unconditional forgiveness, patience, and compassion. He has developed the courage to reach out and ask others for help when he is in need. He also acknowledged that he must stay engaged in programming and counseling.

Mr. Sierra had numerous supporters in attendance at his hearing. The Board considered oral testimony from his daughter and mother, both of whom spoke in support of Mr. Sierra being granted parole. The victim's brother also testified in support of Mr. Sierra being released on parole. (The victim's brother was having throat issues on the day of the hearing, so Mr. Sierra's attorney read a statement of support on his behalf.) There was no testimony provided in opposition to Mr. Sierra's parole.

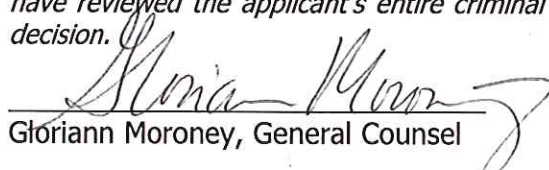
III. DECISION

Since his return to custody, Mr. Sierra has engaged in numerous programs, including Anger Management, Cognitive Skills, CRA Graduated Maintenance, and Path of Freedom. The Board is of the opinion that Mr. Sierra has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. In forming this opinion, the Board has taken into consideration Mr. Sierra's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Sierra's risk of recidivism.

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. After applying this appropriately high standard to the circumstances of Mr. Sierra's case, the Board is of the opinion that Mr. Sierra merits parole to an approved home plan with special conditions, after successful completion of 12 months in lower security.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 weeks; Must be home between 10pm and 6am; Electronic monitoring – GPS; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment, transition, family/healthy relations.

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.


Gloriann Moroney, General Counsel

2/2/17
Date