



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
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



Gloriann Moroney
Chair

Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF

JAVIER TORRES

W66610

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 23, 2020

DATE OF DECISION: June 4, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On June 7, 1999, in Hampden Superior Court, 21-year-old Javier Torres pleaded guilty to the second-degree murder of 41-year-old Maria Gutierrez and was sentenced to life in prison with the possibility of parole.

Mr. Torres, now 42-years-old, appeared before the Parole Board for a review hearing on January 23, 2020 and was represented by student attorneys from the Harvard Prison Legal Assistance Project. Mr. Torres was denied parole after his initial hearing in 2012 and after his review hearing in 2017. The entire video recording of Mr. Torres' January 23, 2020 hearing is fully incorporated by reference to the Board's decision.

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 opinion that the inmate is a suitable candidate for parole. Reserve to a long-term residential program but not before twelve months in lower security. Mr. Torres has served 23 years for the brutal murder of Maria [Gutierrez]. Mr. Torres has completed numerous programs to address his causative factors. Mr. Torres recognizes that his pent-up anger fueled by his addiction culminated in his criminal conduct. Mr. Torres has maintained a strong support network over the years. He has made a level of rehabilitative progress that would not make his release incompatible with the welfare of society. In rendering their decision, the Board did consider COVID-19. Mr. Torres needs to demonstrate success in a less restrictive environment.

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. Torres' 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. Torres' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Torres' case, the Board is of the unanimous opinion that Mr. Torres is rehabilitated and merits parole at this time.

Special Conditions: Reserve to long-term residential program for a minimum of six months; Waive work for long-term residential program; Must be at home between 10 p.m. and 6 a.m.; Electronic monitoring; 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; No contact with victim(s); Must have mental health counseling for adjustment/transition; Must attend AA/NA at least 3 times per week; Mandatory – sponsor; Mandatory – GED/Hi-Set.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Torres, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel



Date