

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

JOHN DIAZ
W35655

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 11, 2022

DATE OF DECISION: June 15, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

STATEMENT OF THE CASE: On July 14, 1976, in Suffolk Superior Court, Mr. Diaz pleaded guilty to the second-degree murder of 58-year-old William H. McKinley and was sentenced to life in prison with the possibility of parole. On the same date, he pleaded guilty to robbery and was sentenced to a consecutive term of life with the possibility of parole.²

Mr. Diaz appeared before the Parole Board for a review hearing on January 11, 2022 and was represented by Attorney Charles Hope. This was Mr. Diaz’s third appearance before the Board having been denied in 2006 and 2011. Mr. Diaz postponed his 2016 and 2021 hearings. The entire video recording of Mr. Diaz’s January 11, 2022 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 a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to his United States Immigration and Customs Enforcement (ICE) detainer. Mr. Diaz has served 46 years for his role in the murder of William McKinley along with his co-defendants when he was 19-years-old. He has had an overall positive adjustment. He graduated from the Residential Treatment Unit and also obtained his general education equivalency in spite of his

¹ Chair Moroney was recused.

² Mr. Diaz’s sentences have since been aggregated. His aggregated parole eligibility date is April 6, 2006.

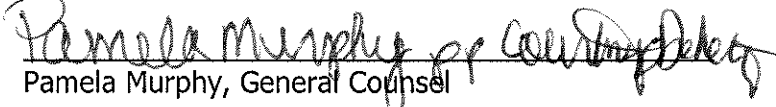
cognitive impairments. He has been sober for 35 years. He has been compliant with his mental health treatment and has addressed areas of concern. The Board considered the expert evaluation of Kerry Nelligan.

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."

In forming this opinion, the Board has taken into consideration Mr. Diaz'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. Diaz's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Diaz's case, the Board is of the unanimous opinion that Mr. Diaz is rehabilitated and merits parole at this time.

Special Conditions: Reserve to United States Immigration and Customs Enforcement (ICE) detainer; Approved home plan before release (in the event Mr. Diaz is released from ICE custody); Waive work for two weeks; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Must take prescribed medication; 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) family; No contact with victim(s); Must have substance abuse evaluation – adhere to plan; Must have mental health counseling for adjustment/transition.

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


Pamela Murphy, General Counsel

4/15/22
Date