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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

JOHN DIAZ

W35655

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 2, 2011

DATE OF DECISION: May 22, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied. The next hearing will be in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

John Diaz murdered William McKinley in the Government Center parking garage on Congress Street in Boston on April 7, 1976. The victim was 58 years old and lived on Beacon Hill. Diaz and his co-defendant, Charles St. Marie, followed the victim into the parking garage as he walked to his car. Diaz and St. Marie robbed Mr. McKinley, and then set him on fire. Using a key taken in the robbery, they ransacked the victim's apartment. Mr. McKinley died on April 30 at the Massachusetts General Hospital's Burn Center due to the extensive second and third degree burns on his body.

Police located Diaz and St. Marie near the victim's apartment shortly after the crime; police recovered the victim's keys from Diaz. Diaz pleaded guilty on July 14, 1976 to second-degree murder and robbery. He received two consecutive life sentences. St. Marie is also serving consecutive life sentences, and is currently incarcerated at Bridgewater State Hospital.

Diaz was age 20 at the time of the murder. He had a prior conviction for robbery and several convictions for breaking and entering.

II. PAROLE HEARING ON JUNE 2, 2011

This is the fifth parole hearing for John Diaz. His previous hearings have gone very poorly. At his first two hearings, Diaz refused to speak. Although he did speak at subsequent parole hearings, Diaz was denied parole because of a poor disciplinary record in prison and his lack of program participation.

Through the years, Diaz has frequently refused to answer questions about the murder. In an interview with Parole staff before this hearing, he refused again. At the hearing, however, he did answer a few questions. He admitted that "we followed" the victim into the garage; he stated that "we tied his hands" before the co-defendant lit the victim on fire. Diaz also admitted going to the victim's apartment and "looking for things, but we didn't find anything."

The inmate has a very poor disciplinary record during his 35 years of incarceration. He has 128 disciplinary reports, including 28 reports since his last parole hearing in 2006.

The inmate's participation in rehabilitative programs is almost non-existent. He had limited participation prior to 1982, and has not earned a single certificate for participation after 1982. He stated at this hearing that going to programs is "just playing along with the games." His record shows very little other activity. Since his last hearing in 2006, he has participated in no rehabilitative programs or groups and he is not employed.

No one appeared in support of parole. Suffolk Assistant District Attorney Charles Bartoloni and Boston Police Commissioner Ed Davis submitted letters opposing parole.

III. DECISION

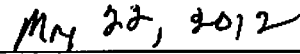
John Diaz is not a serious candidate for parole. He expresses no remorse for the crime and has made no effort at rehabilitation. His conduct in prison has been very poor. There is no possibility that he could, at this time, succeed on parole because he is currently incapable of productive or pro-social behavior; he would be likely to commit a crime if released on parole. He remains dangerous and his release is incompatible with the welfare of society. Accordingly, parole is denied. The review will be in five years.

Diaz presented as a mentally ill person. His statements at the parole hearing gave reason to think that he needs a mental health evaluation and treatment. He repeatedly demonstrated symptoms of paranoia and his thinking was disorganized. The Department of Correction has been notified of Diaz's paranoid and disorganized presentation at his hearing.

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



Josh Wall, Chairman



Date