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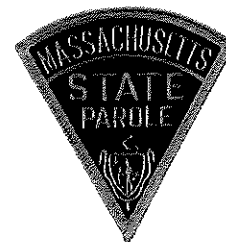
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Tina M. Hurley
Chair

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RECORD OF DECISION

IN THE MATTER OF

JOSEPH DECICCO
W57492

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **February 27, 2024**

DATE OF DECISION: **April 23, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted on/after two weeks from issuance of Record of Decision to Sober House or a Long-Term Residential Program

PROCEDURAL HISTORY: On November 16, 1994, following a jury trial in Suffolk Superior Court, Joseph DeCicco was convicted of second-degree murder in the death of 35-year-old Wayne Hilliard and sentenced to life in prison with the possibility of parole. On that same date, Mr. DeCicco also received the following concurrent sentences: 3-4 years for conspiracy to commit murder, 3-4 years for conspiracy to commit arson, 15-20 years for two counts of arson on a dwelling, 3-5 years for assault with a dangerous weapon (an open flame), 3-5 years for possession of an infernal machine, 3-5 years for possession of an illegal container of flammable liquid, and 3-5 years for possession of an explosive device with intent to destroy or damage property. Mr. Decicco was also sentenced to serve 3-4 years for three counts of causing injury to a firefighter to run concurrent with each other, but consecutive to his life sentence. On appeal, Mr. DeCicco's convictions for possession of an infernal machine and one of the two counts of arson on a dwelling were vacated.

Parole was denied following an initial hearing in 2009, and after review hearings in 2012, 2017, and 2022. On February 27, 2024, Mr. DeCicco appeared before the Board for a review hearing. He was represented by Attorney Frank Herrmann. The Board's decision fully incorporates, by reference, the entire video recording of Mr. DeCicco's February 27, 2024 hearing.

STATEMENT OF THE CASE: In 1993, Joseph DeCicco and his co-defendant, George Madden, lived in an apartment complex in Revere, a few houses away from Wayne Hilliard's father. Mr. Hilliard's father would buy cocaine and share it with Mr. DeCicco and his friends, including Mr. Madden. By December 1993, however, the relationship deteriorated because Mr. Hilliard's father had exhausted his savings. He was unable to buy cocaine and decided to stop using. Mr. DeCicco, nonetheless, tried to pressure Mr. Hilliard's father to supply him and his friends with cocaine. Mr. DeCicco threw a brick through one of Mr. Hilliard's father's windows, destroyed his property with a shovel, and repeatedly threatened to harm or kill him. By the end of December, Mr. Hilliard's father always kept a loaded shotgun nearby, as he feared for his life.

On January 16, 1994, at approximately 12:30 a.m., Mr. DeCicco (age 36) and Mr. Madden threw a homemade Molotov cocktail into the Hilliard home, immediately setting the house ablaze. Mr. Hilliard's father was able to jump from a window to safety, but his son could not get out of the house and perished in the fire. Three members of the Revere Fire Department were also injured. Both Mr. DeCicco and Mr. Madden were arrested. Each accused the other of starting the fire.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

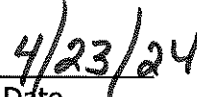
DECISION OF THE BOARD: This was Mr. DeCicco's fifth appearance before the Board. Since his last hearing, he has continued to invest in his recovery from a severe cocaine use disorder that was directly related to his history of criminal offenses. He has been sober for 30 years. Mr. DeCicco has completed programs that addressed Violence Prevention, Victim Empathy, Restorative Justice, Substance Abuse, and other areas in need. He has maintained employment throughout his incarceration and has maintained positive relationships in the community to assist with re-entry. Mr. DeCicco was insightful about his needs to include an evaluation to address Traumatic Brain Injury and an ongoing relapse prevention plan. His primary supporter testified that he will assist with the recommended evaluation and connection to a solid recovery support network, housing, and employment. The Board considered support testimony from a friend. The Board also considered opposition testimony from the victim's sister, as well as Suffolk County Assistant District Attorney Michael Murphy.

SPECIAL CONDITIONS: Waive work for Long-Term Residential Program - 2 weeks for a Sober House; Curfew – must be home between 10 pm and 6 am at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; 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; One-on-one counseling for addiction and for Traumatic Brain Injury; Long-Term Residential Program; Sober House program; AA/NA at least 3 times per week.

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.


Tina M. Hurley, Chair


Date