

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSEPH DECICCO

W57492

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 1, 2022

DATE OF DECISION: September 13, 2022

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

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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

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

¹ Two Board Members voted to grant parole to an approved Sober House after 1 year in lower custody.

In 1993, Joseph DeCicco and his codefendant, 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.

II. PAROLE HEARING ON FEBRUARY 1, 2022²

Joseph DeCicco, now 64-years-old, appeared before the Parole Board for a review hearing on February 1, 2022. He was represented by Boston College Law School student attorneys. Mr. DeCicco was denied parole after his initial hearing in 2009, and again after his review hearings in 2012 and 2017. In his opening statement to the Board, Mr. DeCicco apologized to the Hilliard family. He explained how his drug and alcohol addiction, as well as a traumatic brain injury, resulted in a reckless lifestyle that led to three deaths. He turned to selling drugs to support his addiction and to purchase cars and guns. He was showing off one of his guns, while intoxicated at a wedding, that resulted in the death of Michael Sampson. The Board noted that, while on parole for the death of Mr. Sampson, Mr. DeCicco was involved in a serious motor vehicle accident that caused the death of his friend, Michael Floyd. Mr. DeCicco sustained a traumatic brain injury from this accident. Then, Mr. DeCicco developed a relationship with Mr. Madden and Mr. Hilliard's father through their shared use of cocaine.

Mr. DeCicco told the Board that his relationship with Mr. Hilliard's father soured when the latter became sober, as it meant that he and his friends lost their source of cocaine. Mr. DeCicco admitted to threatening Mr. Hilliard's father and to throwing a brick through the window of his house. The harassment escalated on January 15, 1994, when Mr. DeCicco and Mr. Madden threw a Molotov Cocktail at the Hilliard house to frighten Mr. Hilliard's father. Mr. DeCicco denied knowing that Wayne Hilliard was in the home and, further, denied that they intended to kill anyone.

Since his last hearing, Mr. DeCicco has engaged in programming to include Restorative Justice, Jericho Circle, CRA, and AA/NA. Mr. DeCicco claims to have family support, although he did not inform them of this hearing, "so as not to upset them." The Board informed Mr. DeCicco, however, that involving his family in the parole process is an important part of demonstrating the necessary support for his successful reentry. The Board also raised concern

² The entire video recording of Mr. DeCicco's February 1, 2022 hearing is fully incorporated by reference to the Board's decision.

as to whether Mr. DeCicco's parole plan addresses the needs associated with his traumatic brain injury.

Mr. DeCicco's friend testified in support of parole. Mr. Hilliard's sister testified in opposition to parole.

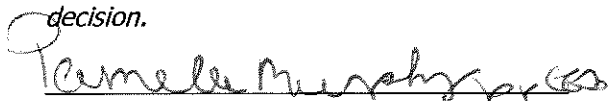
III. DECISION

The Board is of the opinion that Joseph DeCicco has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. DeCicco was convicted of the murder of Wayne Hilliard. He threw a Molotov cocktail into the Hilliard family home. Prior to the murder of Mr. Hilliard, he had pleaded guilty to the killing of Michael Sampson. In 1988, Mr. DeCicco was involved in a significant car accident, wherein Michael Floyd died. He was on parole at the time of the car accident and admits to serious substance abuse at the time. As a result of the accident, Mr. DeCicco reports to have suffered a traumatic brain injury. The Board notes his period of positive adjustment, but encourages him to pursue additional programming to include CRA. The Board has concerns about his home plan, and the Board encourages him to present a more comprehensive reentry plan.

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. DeCicco'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. DeCicco's risk of recidivism. After applying this standard to the circumstances of Mr. DeCicco's case, the Board is of the opinion that Joseph DeCicco is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. DeCicco's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. DeCicco to continue working toward his full rehabilitation.

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.


Pamela Murphy, General Counsel

9/13/22
Date