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DECISION

IN THE MATTER OF
JOSEPH DECICCO

W57492

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 28, 2017

DATE OF DECISION: December 11, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 16, 1994, in Suffolk Superior Court, a jury found Joseph DeCicco guilty of the second degree murder of 35-year-old Wayne Hilliard. Accordingly, Mr. DeCicco 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 arson on a dwelling (two counts), 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, which were to run concurrent with each other, and from and after Mr. DeCicco's second degree 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.

In 1993, Mr. DeCicco and his codefendant, George Madden, lived in an apartment complex in Revere, a few houses away from Mr. 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 had deteriorated because Mr. Hilliard's father had exhausted his savings, was unable to buy cocaine anymore, and had decided to stop using. Displeased with this news, Mr. DeCicco tried to pressure and persuade Mr. Hilliard's father in continuing to supply him and his friends with cocaine. Mr. DeCicco threw a brick through one of Mr. Hilliard's father's windows, entered his porch and destroyed property with a shovel, and repeatedly threatened to harm or kill him. By the end of December, Mr. Hilliard's father kept a loaded shotgun nearby at all times, fearing for his life. On January 16, 1994, at approximately 12:30 a.m., 36-year-old Joseph DeCicco and George Madden threw an incendiary device (a homemade Molotov cocktail) into the home of Wayne Hilliard's father, 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 in the course of extinguishing the fire. Both Mr. DeCicco and Mr. Madden were arrested. Each accused the other of starting the fire.

II. PAROLE HEARING ON FEBRUARY 28, 2017

Joseph DeCicco, now 60-years-old, appeared before the Parole Board for a review hearing on February 28, 2017, and was represented by Attorney Jeffrey Harris. Both his 2009 initial hearing and his 2012 review hearing resulted in the denial of parole. In Mr. DeCicco's lengthy opening statement, he apologized to Mr. Hilliard's family and stated that he is responsible for the death of Mr. Hilliard. Mr. DeCicco acknowledged that for many years, he acted like he was not at fault and tried to place all of the blame on someone else. Mr. DeCicco admitted that he had helped make the bomb and that his actions killed Mr. Hilliard. Mr. DeCicco also apologized for the harm that he caused the firefighters, as well as Mr. Hilliard's father. Additionally, Mr. DeCicco told the Board that he is embarrassed by his last hearing, where he appeared "disrespectful." He apologized, stating that although he wanted to show confidence, he came across as "cocky."

Mr. DeCicco was asked to discuss the Board's 2012 decision denying him parole. Mr. DeCicco believes that the Board had concerns about his candor, stating that he had been evasive about "terrorizing" the victim's father. He also thinks the Board believed him to be evasive about a car accident that resulted in the death of his friend, Michael Floyd. Mr. DeCicco maintains that he still does not know if he had been the one driving the vehicle, but accepts responsibility for the accident, stating that even if he was not the driver, he had modified the car to reach speeds of 200 miles per hour. Mr. DeCicco was also asked about the circumstances surrounding the death of another friend, Michael Sampson. Mr. DeCicco had previously said that the gun went off accidentally, but now admits differently. Mr. DeCicco told the Board that he had been in the bathroom, sniffing cocaine, and that Mr. Sampson had been "joking around" from outside of the bathroom, saying that he could shoot Mr. DeCicco through the bathroom door. Mr. DeCicco said that he came out of the bathroom and shot Mr. Sampson in the face, believing that the gun's safety was on. Asked why he had a gun, Mr. DeCicco replied that people were "shaking down drug dealers" and that he had been dealing cocaine at the time. Although Mr. DeCicco had a license to carry the gun, he admitted to falsifying his residence in order to obtain it. He pleaded guilty to manslaughter and was sentenced to serve 5 to 15 years.

Mr. DeCicco was eventually paroled on his manslaughter sentence. When asked what he did after being paroled, Mr. DeCicco said that he went back to his old life. (The actions that killed Mr. Floyd occurred while Mr. DeCicco was on parole.) Mr. DeCicco admitted that he used and sold drugs on parole, describing himself as a "horrible parolee." After being involved in the car accident and attending rehab, Mr. DeCicco became addicted again. Mr. DeCicco met his co-defendant, George Madden, while both men were tenants in a building owned by Mr. DeCicco's father, and with whom they began smoking cocaine. Mr. DeCicco said that he resented Mr. Hilliard's father when he stopped using cocaine, as he was unable to stop himself. Mr. DeCicco tried to get Mr. Hilliard's father to start using cocaine again, but Mr. Hilliard's father resisted. Mr. DeCicco stated, "I terrorized him, I called him on the phone, I went down to his house, I threw a brick through the window..." According to Mr. DeCicco, Mr. Hilliard's father had spent \$90,000 on cocaine and said that he had no more money.

The Board asked Mr. DeCicco to discuss the events that took place on January 16, 1994. Mr. DeCicco said that after he and Mr. Madden drank wine and smoked cocaine, they decided to "bomb" the home of Mr. Hilliard's father, making a Molotov cocktail. Mr. DeCicco said that he took a spice bottle and put some methanol in it. According to Mr. DeCicco, Mr. Madden put a rag into the spice bottle and "delivered the bomb." Mr. DeCicco maintains that he stayed at Mr. Madden's apartment, while Mr. Madden threw the bomb. Mr. DeCicco was asked why he went to the scene of the fire. Mr. DeCicco said he wanted to make sure that Mr. Hilliard's father got out, but that he was unaware Mr. Hilliard was in the house, or even that he lived there.

Since his last hearing, Mr. Decicco has continued to participate in Alcoholics Anonymous (AA), including AA 12 Traditions and AA 12 Steps. He also participated in the Restorative Justice Program, Emotional Awareness, and the Alternatives to Violence Program (AVP). Mr. DeCicco found Restorative Justice to be the most beneficial of the programs, as it helped him empathize with his victims and their families.

The Board considered oral testimony from Mr. DeCicco's girlfriend, nephew, and two sisters, all of whom spoke in support of parole. Mr. DeCicco's niece read a letter of support on behalf of her grandparents (Mr. DeCicco's parents). Mr. Hilliard's brother and sister spoke in opposition to Mr. DeCicco being granted parole. Suffolk County Assistant District Attorney Charles Bartoloni also testified in opposition to parole.

III. DECISION

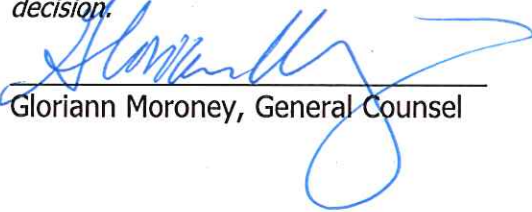
The Board is of the opinion that Mr. DeCicco has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. DeCicco is a very dangerous individual with a strong likelihood of reoffending, as evidenced by his long and serious disciplinary and criminal record. Mr. DeCicco has killed three people. In making this decision, the Board took into consideration the brain injury of Mr. DeCicco.

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 unanimous opinion that Mr. 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 five years from the date of this hearing. During the interim, the Board encourages Mr. DeCicco to continue working towards 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.



Gloriann Moroney, General Counsel



Date