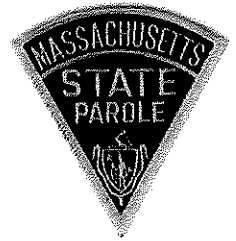


*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



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DECISION

IN THE MATTER OF

JOSEPH VAZQUEZ

W60696

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 19, 2018**

DATE OF DECISION: **April 8, 2019**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 the 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 unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 29, 1996, in Essex Superior Court, Joseph Vazquez pleaded guilty to second degree murder for the death of Acie Avery and was sentenced to life in prison with the possibility of parole.

In 1995, Mr. Vazquez (age 32) had been living with his long-time girlfriend in a Lynn apartment. On August 16, 1995, Mr. Vazquez (who had been drinking and using drugs for hours) and his girlfriend walked to the nearby apartment of Mr. Avery, a 60-year-old man who lived alone. Mr. Avery let the couple into his apartment and, for reasons that have never been established conclusively, Mr. Vazquez used a pipe to beat Mr. Avery to death.

Mr. Vazquez's girlfriend, however, told police that she went to Mr. Avery's apartment to borrow money, and that Mr. Vazquez insisted on coming with her. Mr. Avery allowed them into the apartment. The girlfriend said that she was in the bathroom when the beating began and, when she heard the commotion, walked into the living room. She saw Mr. Vazquez repeatedly beating Mr. Avery with a pipe that Mr. Vazquez had carried with him.

II. PAROLE HEARING ON JUNE 19, 2018

Joseph Vazquez, now 55-years-old, appeared before the Parole Board for his fourth parole hearing. He was not represented by counsel. Parole was denied in 2010 after his initial parole hearing and, again, after review hearings in 2012 and 2016. In his brief opening statement to the Board, Mr. Vazquez apologized to the victim's family. When Board Members questioned him about his background, Mr. Vazquez said that he came from a dysfunctional family, where his father regularly beat his mother and physically and mentally abused the children. Mr. Vazquez said that he began drinking at age 11 or 12. He graduated from high school and entered the army. He reported, however, that he was discharged from the army due to behavior related to drug and alcohol abuse. Mr. Vazquez then obtained a job as a roofer. Mr. Vazquez admitted to having alcohol induced black-outs, using crystal methamphetamine in his twenties, and smoking crack cocaine for two or three years, leading up to the murder of Mr. Avery. He also admitted to a long history of both physical and verbal abuse of his girlfriend and to arrests for domestic violence.

When the Board questioned him, Mr. Vazquez maintained that he does not remember much about the murder. He remembers drinking beer and vodka earlier in the day at his boss' house and then drinking more, and smoking crack cocaine, when he got home. He also remembers standing over the victim with the murder weapon. Mr. Vazquez admitted that he was suspicious that his girlfriend was cheating on him with Mr. Avery, and that jealousy may have been part of his motive for killing him. The Board noted that Mr. Vazquez has had four disciplinary reports since his incarceration, but none since his last hearing. When asked if he has a job in prison, Mr. Vazquez said that for the past eight years, he has worked full time on a printing press. Mr. Vazquez reported that he is also involved in a music program at the prison, where he plays guitar and drums and maintains the instruments and sound equipment. Mr. Vazquez added that, until recently, he also taught music theory as part of the program.

When Board Members expressed concern about Mr. Vazquez's admission to sporadic attendance at Alcoholics Anonymous/Narcotics Anonymous meetings, he claimed that the meetings conflicted with his participation in the music program. Mr. Vazquez explained that he read Alcoholics Anonymous literature and practiced the Twelve Steps on his own. A Board Member pointed out that Alcoholics Anonymous was meant to be practiced with other people. In particular, Board Members reminded Mr. Vazquez that sobriety should be his priority, considering that Mr. Vazquez was drunk, and using drugs, when he killed someone. Mr. Vazquez stated that he is completing the General Maintenance Program (GMP), and that he is on the waiting list for the 12 week Restorative Justice program.

Mr. Vazquez requested a step down to a lower security facility for six months, after which he could live in Rowley with his brother and work for his brother's roofing company. His brother and sister would support him and help him attend local AA/NA meetings. Mr. Vazquez

changed his mind since his last hearing, now stating that he would benefit from a domestic violence education program as part of his release.

The Board considered oral testimony from Mr. Vazquez's sister and brother, both of whom expressed support for parole. The Board considered testimony from Mr. Avery's son, who spoke in opposition to parole on behalf of the Avery family. Essex County Assistant District Attorney Elin Graydon spoke in opposition to parole.

III. DECISION

The Board is of the opinion that Mr. Vazquez has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He should reinvest in substance abuse programming.

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

Mr. Vazquez'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. Vazquez 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.


Shara Benedetti, Acting General Counsel

4/8/19
Date