



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSEPH VAZQUEZ

W60696

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 23, 2020

DATE OF DECISION: January 12, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to an approved home plan, but not before completion of 12 months in lower security.

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. He was sentenced to life in prison with the possibility of parole.

In 1995, Joseph 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 Acie Avery, a 60-year-old man who lived alone on Washington Street. 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 had 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. When she heard the commotion, she walked into the living room and saw Mr. Vazquez repeatedly beating Mr. Avery with a pipe that he (Mr. Vazquez) had carried with him.

II. PAROLE HEARING ON JUNE 23, 2020

Joseph Vazquez, now 58-years-old, appeared before the Parole Board for a review hearing on June 23, 2020. He was not represented by counsel. Mr. Vazquez was denied parole after his initial hearing in 2010, and after his review hearings in 2012, 2016, and 2018. In his opening statement to the Board, Mr. Vazquez apologized to Mr. Avery's family and expressed remorse for his crime. When Board Members questioned him about the governing offense, Mr. Vazquez admitted that, despite not having a clear memory of the crime, he is responsible for the death of Mr. Avery. At the time, he was under the influence of alcohol and crack-cocaine and, as such, cannot recollect what precipitated during the confrontation. Mr. Vazquez indicated, however, that his motivation was likely jealousy. He admitted to having had relationship issues with his girlfriend and suggested that her rumored infidelity, as well as his propensity to be "controlling," might have caused him to go to Mr. Avery's house that night. However, he remains unsure. Additionally, Mr. Vazquez acknowledged the pain he inflicted on Mr. Avery and shared with the Board that he often reflects on those feelings, especially on the holidays. Moreover, Mr. Vazquez told Board Members that he understands the "ripple effect" his crime had on Mr. Avery's family.

Mr. Vazquez stated that he has been sober since 1995, and that he values his sobriety. At his last hearing, the Board had raised concerns as to whether Mr. Vazquez could maintain his sobriety, if released. When asked about his previous decision, Mr. Vazquez indicated that he agreed with the Board, as he shared the same concerns. Since then, he has reinvested his time in substance abuse programming, having doubled his attendance and participation in Alcoholics Anonymous. He also became a co-chair of the 12 Step program. Additionally, Mr. Vazquez explained to the Board that recovery has taught him to be "open and honest." He discovered the connection between his childhood and his addiction, stating that he viewed using substances as a "learned behavior." When Board Members inquired as to whether he still has the same concerns about maintaining his sobriety, if released, Mr. Vazquez responded that he had "hit bottom." Through consistent participation in treatment, he no longer wants to use substances. He further stated, "I hate who I used to be" and asserted to Board Members that his sobriety is the most important part of his life.

The Board noted Mr. Vazquez's positive institutional adjustment, as he has remained disciplinary report-free since 2002. He continues to engage in programming and remains focused on his recovery. Mr. Vazquez completed the General Maintenance Program (GMP) in 2018, and the Restorative Justice Reading Group in 2019. He has been employed in the print shop since 2011, where he works five days a week. Mr. Vazquez explained that he has family support, a place to live, and an employment opportunity available, should he be granted parole. Mr. Vazquez understands that his biggest challenge will be maintaining his sobriety; however, he plans to attend AA meetings on a regular basis. The Board indicated that due to his 25 year incarceration, it would be beneficial to participate in a step-down program, to which Mr. Vazquez agreed.

The Board considered oral testimony in support of parole from Mr. Vazquez's sister and brother. The Board also considered testimony from Mr. Avery's son in opposition to parole. The Board also considered the testimony and letter in opposition to parole from Essex County Assistant District Attorney Elin Graydon.

III. DECISION

Mr. Vazquez has served approximately 25 years for the murder of Acie Avery. He has continued to invest in his rehabilitation to include active participation in AA, Big Book, and 12 Step. Mr. Vazquez, through a gradual transition, will demonstrate that he can be successful in a less restrictive environment. It is the opinion of the Board that he has made a level of rehabilitative progress that would make his release compatible with the welfare of society.

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 opinion that Joseph Vazquez has been rehabilitated and, therefore, merits parole at this time. Parole is granted to an approved home plan, but not before completion of 12 months in lower security.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for two weeks; Must be at home between 10 pm and 6 am; Electronic monitoring at PO'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; Must have mental health counseling for adjustment, No contact with victim(s) family, transition and domestic violence; Attend AA/NA at least three times a week; Mandatory sponsor.

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

1/10/2021
Date