



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JOSHUA BERRIOS
W101788

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: March 19, 2024

DATE OF DECISION: June 6, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Tina M. Hurley, James Kelcourse^{1 2}

VOTE: Parole is granted to CRJ after 90 days in lower security or until a bed is available.

PROCEDURAL HISTORY: On December 5, 2012, in Norfolk Superior Court, Joshua Berrios pleaded guilty to second-degree murder in the death of Osahon Ighodaro. He was sentenced to life in prison with the possibility of parole. Mr. Berrios also pleaded guilty to two counts of unarmed robbery, one count unarmed burglary, and one count of kidnapping, for which he received concurrent sentences.

On March 19, 2024, Mr. Berrios appeared before the Board for an initial hearing. He was represented by Harvard Prison Legal Assistance Project student attorneys Grace Ko and JJ Zeng, who were supervised by Attorney Joel H. Thompson. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Berrios' March 19, 2024 hearing.

STATEMENT OF THE CASE: On the morning of July 11, 2008, Holbrook police officers located 25-year-old Osahon Ighodaro deceased in his apartment. He had been hog tied and found lying face down on the floor. Another occupant of the apartment reported that on the previous evening, she heard someone knock on the door, followed by men entering the

¹ Chair Tina M. Hurley was not present for the hearing, but she reviewed the recording and the entire record prior to vote.

² Board Member Sarah B. Coughlin was recused and did not participate in the hearing or decision.

apartment screaming. They tied her up, and she eventually passed out. When she awoke the following morning, she untied herself, found Mr. Ighodaro's body, and ran out of the apartment to seek help. Investigators processed the scene for fingerprints and other forensic evidence and determined that several belongings and currency had been stolen from the apartment.

On May 6, 2009, one of Mr. Berrios's co-defendants was arrested in Chelsea for an unrelated offense. The fingerprints he provided resulting from that arrest matched a latent print that had been lifted from the wall near Mr. Ighodaro's body. The other occupant of the apartment later identified that same co-defendant from a photo array as one of the men that tied her up on the night of the murder. Upon arrest, multiple co-defendants identified Mr. Berrios as being involved in the murder. Mr. Berrios turned himself in to the police. The police later identified a palm print lifted from the murder scene as belonging to Mr. Berrios.

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 is Mr. Berrios' initial hearing before the Board. Mr. Berrios was 19-years-old at the time of the offense and has now been incarcerated since 2009. Mr. Berrios has engaged in, and completed, over 30 programs. He has earned his bachelor's degree from Boston University, graduating magna cum laude. Mr. Berrios acknowledged the destructive behavior and choices he made earlier in his life and expressed remorse for his actions. Mr. Berrios noted he has gained coping mechanisms and insights into his behavior, which will assist in his transition to the community. He has community support and has possible job opportunities. The Board recognizes the factors enumerated in the SJC's Mattis decision and finds that Mr. Berrios has matured and engaged in the necessary rehabilitative progress to make his release compatible with the welfare of society. The Board notes multiple letters of support, a low LSCMI score, and a practical re-entry plan. Norfolk County ADA Michael McGee and the victims' family and friends spoke in opposition.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 weeks; Curfew - must be at home between 10PM & 6AM 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; Must have mental health

evaluation and must comply with recommended treatment plan; Counseling for transition/adjustment; CRJ - Brooke House.

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