

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JUAN FIGUEROA

W93992

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: January 4, 2022

DATE OF DECISION: September 15, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

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 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 March 10, 2009, following a jury trial in Suffolk County Superior Court, Juan Figueroa was found guilty of second-degree murder in the death of John Austin. He was sentenced to life in prison with the possibility of parole. On that same date, he was convicted of assault and battery by means of a dangerous weapon and received a 3 to 5 year concurrent sentence.

On March 11, 2007, 23-year-old Juan Figueroa murdered 24-year-old John Austin. At the time, Mr. Austin shared custody of a 3-year-old boy with Mr. Figueroa's girlfriend. On the day of the murder, Mr. Figueroa and his girlfriend drove to Mr. Austin's house to pick up her child. After putting the child into his car seat, Mr. Figueroa stated that Mr. Austin "needed to be a better father." A physical fight ensued between the two men, and Mr. Austin drew a knife on Mr. Figueroa. Mr. Figueroa disarmed Mr. Austin and then repeatedly stabbed him with the knife. As

¹ Chair Moroney was recused from this hearing.

Mr. Austin lay bleeding on the sidewalk, Mr. Figueroa drove off with his girlfriend and her child. Mr. Austin was taken by ambulance to the hospital, where he died from his stab wounds. Mr. Figueroa was later arrested at his brother's house.

II. PAROLE HEARING ON JANUARY 4, 2022²

Juan Figueroa, now 38-years-old, appeared before the Parole Board for an initial hearing on January 4, 2022. Mr. Figueroa was represented by Harvard Prisoner Legal Assistance Program student attorneys Rachel Cohen, Riley Evans, and Samantha Perri, under the supervision of Attorney Joel Thompson. In his opening statement, Mr. Figueroa apologized to the family of Mr. Austin and expressed his remorse that Mr. Austin's son grew up without a father. Upon Board Member questioning, Mr. Figueroa stated that he drank and used cocaine with his mother (starting at age 11) and that they were both abused by his mother's boyfriend. He was found delinquent (at age 11) for assault and battery with a dangerous weapon when he tried to protect his mother by hitting her boyfriend with a toy truck. After being in and out of foster homes, Mr. Figueroa said that he was homeless by the age of 15. At age 17, he stabbed a man several times after his mother told him to "take care" of him because he had raped her. Later the same day, Mr. Figueroa claimed that he was approached by a man who wanted to buy drugs. After a dispute, the two men were involved in a physical altercation. Mr. Figueroa was arrested for both these incidents and pleaded guilty to armed robbery and assault with a deadly weapon. Mr. Figueroa was on parole for these crimes when he murdered John Austin.

Mr. Figueroa told the Board that his violent childhood, as well as his desire to provide his girlfriend's child with a better life, contributed to the murder of Mr. Austin. When they went to pick up his girlfriend's child, the three-year-old was wearing diapers and no pants. Mr. Figueroa stated that he was angry because the child was potty-trained and inappropriately dressed for the cold weather. He confronted Mr. Austin and told him that he "needed to be a better father," which led to an argument. At some point, Mr. Austin pulled out a knife. Mr. Figueroa "reacted" by wrestling the knife from Mr. Austin and proceeding to stab him. Mr. Figueroa testified that he knew he had killed Mr. Austin. If he had the skills he later learned in prison, Mr. Figueroa believes that he could have de-escalated the confrontation.

The Board noted that Mr. Figueroa has maintained employment and completed numerous programs, including Correctional Recovery Academy (CRA), Restorative Justice, Violence Reduction, and Jericho Circle. Board Members were concerned, however, that Mr. Figueroa had several violent disciplinary reports, including a disciplinary report for assaulting another inmate with a weapon. He was charged with assault and battery with a deadly weapon and received a guilty filed for the offense in 2014.

Three people testified in support of parole. A family member of Mr. Austin sent a letter in opposition to parole.

III. DECISION

The Board is of the opinion that Juan Figueroa has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Figueroa is serving a life sentence for the murder of John Austin. At the time of the murder, he

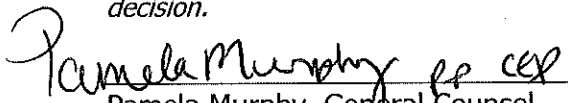
² The entire video recording of Mr. Figueroa's January 4, 2022 hearing is fully incorporated by reference to the Board's decision.

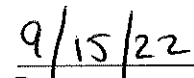
was on parole supervision. Mr. Figueroa has completed numerous programs to include CRA (Correctional Recovery Academy), Restorative Justice, Violence Reduction, and Jericho Circle. Over the course of the next two years, he is encouraged to remain d[isciplinary] report free. Additionally, the Board has concerns about his crime while incarcerated in 2014. He should pursue all recommended treatment and programming and maintain an overall positive adjustment.

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

Mr. Figueroa'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. Figueroa 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


Date