



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Gloriann Moroney
Chair

DECISION

IN THE MATTER OF

JULIO NAZARIO

W56964

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 21, 2018

DATE OF DECISION: June 17, 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 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 Interstate Compact New York, but not before 18 months in lower security and with special conditions.

I. STATEMENT OF THE CASE

On August 10, 1994, in Suffolk Superior Court, Julio Nazario pleaded guilty to the second-degree murder of 28-year-old Joseph Govan and was sentenced to life in prison with the possibility of parole. Mr. Nazario also pleaded guilty to armed assault with intent to murder for the shooting of another man. He received a 10 - 15 year sentence to be served concurrently with his life sentence.¹

On August 8, 1993, Julio Nazario, age 17, shot and killed Joseph Govan and shot and wounded another man, as they were sitting on the front steps of 149 Intervale Street in the Dorchester section of Boston. Mr. Govan suffered a gunshot wound to the chest, dying shortly

¹ This sentence has since expired.

thereafter. The other man survived, suffering gunshot wounds to the leg. After the shooting, Mr. Nazario fled the scene. He claimed the shootings were motivated by gang rivalry over drug territory.

II. PAROLE HEARING ON JUNE 21, 2018

Julio Nazario, now 43-years-old, appeared before the Parole Board on June 21, 2018, for a review hearing. He was represented by Attorney Lisa Newman-Polk. Mr. Nazario had been denied parole after his initial hearing in 2008, and after his review hearing in 2013. In his opening statement to the Board, Mr. Nazario said that he "make[s] no excuses for his awful behavior" and is "extremely remorseful" for the crimes he committed. Mr. Nazario explained that at the time of the offense, and at the beginning of his incarceration, he had a self-centered mentality grounded in anger. Mr. Nazario assured the Board, however, that he has changed his ways and aims to live to honor the lives of his victims.

The Board questioned Mr. Nazario as to his family life prior to the commission of the governing offense at age 17. Mr. Nazario described an upbringing wrought with physical abuse, by a parent who died shortly before he murdered Mr. Govan. His parent's death caused Mr. Nazario confusion and anger, as he was close to that parent, despite the abuse. This contributed to Mr. Nazario further ingratiating himself in "street life," including involvement with a gang led by older men. Mr. Nazario described gang involvement as a precipitant to the shooting of Mr. Govan and the other victim. On the day of the murder, older gang members informed Mr. Nazario that men were in their territory, selling drugs, and that it was his responsibility to "handle it." Mr. Nazario walked down the street and saw the men sitting on the front steps of a home. He explained that he crossed the street, retrieved a gun from another individual, and approached the victims as they began to leave. Mr. Nazario then said, "What's up now?" before shooting at them repeatedly.

The Board echoed Mr. Nazario's opening statement in noting his poor initial adjustment to prison, particularly as it pertained to the disciplinary reports relating to his assaultive behavior in 1997 and 1999. Mr. Nazario explained, however, that after a transfer, older inmates encouraged him to become program-involved, which was instrumental in his subsequent success during incarceration. The Board noted that Mr. Nazario has continued to participate in numerous programs since his 2013 review hearing. Mr. Nazario told the Board that the programs most meaningful to him were Jericho Circle, Restorative Justice Retreat, Young Fathers, and Path to Freedom. Mr. Nazario also explained the emotional growth that he experienced through programming, not only in understanding his flaws, but in empathizing with the damage he caused to the families of his victims. Mr. Nazario spoke about how he has learned to think, instead of act, and how he has learned to refrain from judging others.

When questioned as to how he intends to "live to honor" the lives of his victims, Mr. Nazario explained that he works within prison walls to mentor younger inmates who have started down the same path he had, so many years before. The Board acknowledged Mr. Nazario's significant family support and asked about their role in his parole plan, if released. Mr. Nazario stated that a long-term goal is to develop a relationship with his children. For the immediate future, Mr. Nazario explained to the Board how he has two plans: one for New York and one for

Massachusetts, both of which include living with family members in communities where he has been accepted to re-entry programs.

Mr. Nazario's two cousins testified in support of parole. The Board considered written submissions of Mr. Nazario's former teacher, aunt, sister-in-law, two brothers, and three cousins in support of parole. The Board also considered four letters from community figures willing to support Mr. Nazario's re-entry into the Syracuse, New York community. Mr. Govan's sister testified in opposition to parole. Suffolk County Assistant District Attorney Dara Kesselheim also testified in opposition to parole. The Board considered the written submissions of Boston Police Commissioner William Evans and Assistant District Attorney Dara Kesselheim in opposition to parole.

III. DECISION

Mr. Nazario has served 25 years of his life sentence. It is the opinion of the Board that he has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society.

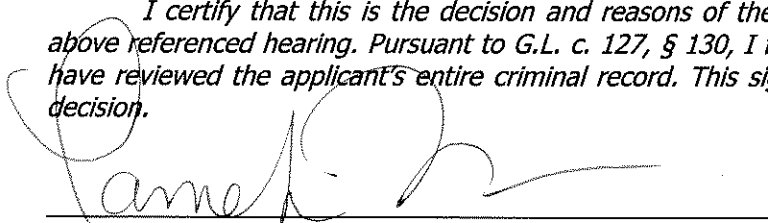
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board in Mr. Nazario's case include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24.

In forming this opinion, the Board has taken into consideration Mr. Nazario's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered Dr. Ira K. Packer's evaluation, a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Nazario's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Nazario's case, the Board is of the opinion that Mr. Nazario merits parole at this time. Parole is granted to Interstate Compact New York, but not before completion of 18 months in lower security and with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Release to Interstate Compact New York; Waive work for 2 weeks; Must be at home between 10 pm and 6 am or at PO's discretion; Electronic monitoring - GPS 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 substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition.

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

6/17/2019
Date