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*The Commonwealth of Massachusetts*  
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**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**JULIO NAZARIO**

**W56964**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** June 18, 2013

**DATE OF DECISION:** November 5, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**DECISION OF BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 a unanimous vote that the inmate Julio Nazario is not a suitable candidate for parole at this time. Parole is denied with a review in four years.

**I. STATEMENT OF THE CASE**

On August 8, 1993, Nazario, age 17, shot and killed Joseph Govan and shot and wounded Charles Thompson as they were sitting on the front steps of 149 Intervale Street in the Dorchester section of Boston. Nazario, then a member of the Intervale Street gang, claimed the shootings were done at the behest of the gang's leadership, who considered the victims to be rival drug peddlers within their territory. After the shooting, Nazario fled the scene. Govan suffered a gunshot wound to the chest, and was pronounced dead shortly thereafter. He was 28 years old. Thompson survived, suffering gunshot wounds to the leg.

On August 10, 1994, Nazario pleaded guilty in Suffolk Superior Court to the second-degree murder of Govan, and received a life sentence. Nazario also pleaded guilty to armed assault with intent to murder for the shooting of Thompson, and was sentenced to 10 to 15 years, concurrent with his life sentence.<sup>1</sup>

<sup>1</sup> This sentence has since expired.

This is Nazario's second appearance before the Parole Board. He last appeared before the Board for his initial hearing on June 3, 2008. The Board denied parole and set a five-year review date. In its 2008 decision, the Board expressed concern over Nazario's poor institutional adjustment and continued criminal behavior, as was evidenced by "2 returns to higher custody" and "nearly 30 disciplinary reports, many of which resulted from assaultive and threatening behavior." The Board further expressed concern that Nazario had "not demonstrated any significant strides in his rehabilitation" and that his "violent incarceration record" indicated that he was "a high risk to reoffend." Noting Nazario's admission that he was not ready for parole and was in need of additional programming to address his "criminal propensities," the Board encouraged Nazario to successfully complete "rehabilitative programs aimed at addressing his inclinations towards violence."

## **II. INSTITUTIONAL CONDUCT**

Nazario received nearly 30 disciplinary reports in his first 15 years of incarceration. He was disciplined for four fights and a fifth incident in which he stabbed an inmate. He also lit a fire, threw debris, threatened or fought with officers, and possessed sharpened weapons. Nazario's institutional conduct has improved since his last hearing. Other than incurring a disciplinary report on September 16, 2008 for the unauthorized possession of 20 packets of sugar, he has not had any documented disciplinary issues. Since his last parole hearing in 2008, Nazario has had some program involvement, having obtained certificates in programs such as Non-Violent Conflict Resolution in October 2008, Correctional Recovery Academy in November 2008, and Adult Basic Education in June 2009. He continues to participate in the Pre-GED program, is involved in cultural awareness programs, and currently works as a unit runner.

## **III. PAROLE HEARING ON JUNE 18, 2013**

During his opening and closing presentation to the Board, Nazario apologized for the crime and asked for forgiveness. He said, "This has been hard on me; it hasn't been easy for me." Nazario, now age 37, revealed that he dropped out of school in the 9th grade, joined a gang at age 16, and was "hurting people." He drank alcohol daily and frequently passed out due to intoxication. He possessed a gun at age 16, and would do whatever the gang leaders told him to do. His anger got even worse after his mother died when he was age 17. He said that he "lived with my aunt and cousin; they were trying to keep me out of trouble but I wasn't listening." It was during this time that he killed Govan.

Nazario said he shot at people at least four times prior to the murder. On one occasion, he stabbed a girl who he believed had given him a sexually transmitted disease. He said, "I tried to kill her." He was on bail for that offense when he committed the murder, and was later convicted of assault and battery with a dangerous weapon.

He described the murder as drug and gang related. He said the victims "were down the street selling drugs; gang leaders came to me and told me I had to take care of it; they said 'Do what you have to do.' " When asked why he used so much violence in his life, Nazario said, "It just been like that growing up, and when I got to prison you had to have some respect in there."



Nazario testified that, "I've changed a lot; I don't hang with the same guys; I don't get involved with no nonsense; I needed to change my attitude; before I didn't care; I feel better now." He said that programs taught him that "violence isn't the answer; now if you doing something positive I'm with you but not if it's negative; I don't react to nothing." Nazario fathered five children with three different women. He submitted a letter to the Board indicating that he maintains contact with his children (ages 22, 22, 21, 20 and 19).<sup>2</sup> At the hearing, however, Nazario said he really does not know his children due to his imprisonment. This latter statement appears more accurate, given that his supporters at the hearing included three cousins, and none of his children.

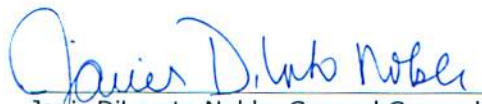
Joseph Govan's sister and niece spoke in opposition to parole. Suffolk Assistant District Attorney Charles Bartoloni submitted a letter of opposition. Two of Nazario's cousins spoke in support of parole.

#### **IV. DECISION**

Julio Nazario lived a violent and criminal lifestyle as part of the notorious and destructive Intervale Street gang in Dorchester. He committed this murder in order to preserve the gang's drug dealing territory. He continued his violent antisocial behavior during his first 15 years of incarceration. During the last five years, however, he has shown considerable improvement in program participation, attitude, and conduct. His statements at this parole hearing showed more recognition of the harm he caused in the community and in prison, a desire to reform, and an understanding of how to improve his behavior. He was forthright in chronicling his history of violence and maladjustment.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying this appropriately high standard, the Board denies parole. After so many years of violent behavior, Mr. Nazario needs a longer period of rehabilitation and good conduct. The review will be in four years, during which time Mr. Nazario should obtain his GED, maintain employment and good behavior, and continue with rehabilitative programming to address issues of violence, anger, and alcohol abuse.

*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.*

  
Janis DiLoreto Noble, General Counsel

11/5/13  
Date

<sup>2</sup> With the exception of the children's ages, this letter appears almost identical to the letter Nazario submitted for his initial hearing in 2008.