



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

**IN THE MATTER OF
LEOPOLD REYES
W64033**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 22, 2015

DATE OF DECISION: December 14, 2015

PARTICIPATING BOARD MEMBERS: Paul Treseler, Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE 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 unanimous vote that the inmate is a suitable candidate for parole with special conditions. Reserve to the Immigration and Customs Enforcement (ICE) detainer, as Leopold Reyes has been ordered removed from the United States to Belize by the Immigration Court. An ICE detainer is lodged with the Department of Correction.

I. STATEMENT OF THE CASE

On February 2, 1998, after a jury trial in Suffolk Superior Court, Leopold Reyes was convicted of second degree murder and sentenced to life in prison with the possibility of parole after serving 15 years of his sentence.

Leopold Reyes, age 44, shot Rodney Toon, age 40, on October 22, 1995. Reyes and Mr. Toon had known each other for years. In mid-October 1995, the two had a fight while at Reyes' apartment resulting in Reyes receiving stitches near his ear. The two did not see or speak to each other again until October 22nd. On that day Mr. Toon and two other men went to Reyes' apartment to purchase heroin. Mr. Toon remained in the vehicle with the driver, while the other man proceeded to Reyes' apartment to purchase the drugs. Upon realizing that Mr. Toon was in the vehicle outside his apartment, Reyes, carrying a loaded .38 caliber revolver, approached the vehicle. Reyes questioned Mr. Toon about their prior fight, but before Mr. Toon

could answer, Reyes fired one shot into his chest. After the shooting, Reyes fled Massachusetts for approximately nine months before he was arrested in New York.

II. PAROLE HEARING ON OCTOBER 22, 2015

This was Leopold Reyes' second appearance before the Parole Board. He appeared before the Board for his initial hearing in August of 2011, after which he was denied parole with a review in four years. Reyes is 64 years old and has served 19 years of his life sentence. He is currently serving his sentence at MCI Norfolk, where he has been since 2000.

A Northeastern University School of Law student attorney, Brian Bermudez, represented Reyes at the hearing. Mr. Bermudez provided an opening statement outlining why Reyes is a viable candidate for parole and described his life leading up to the murder. In addition, he summarized Reyes' parole plan to include the necessity of a support network to help with his successful reintegration. Reyes also provided an opening statement, in which he expressed his sincere remorse and shame for having taken the life of Rodney Toon, and said he understands the suffering and pain he caused as a result of his inexcusable actions.

Since entering the institution, Reyes has had a positive adjustment to incarceration. He has completed programs to address his criminal behavior and issues surrounding anger/violence, educational/vocational training, and substance abuse/dependency. Reyes provided the Board with an overview of the treatment and programming that he has engaged in since his last hearing in 2011 to include: Path of Freedom; Jericho Circle; Emotional Awareness; and Assertive Communication. Reyes is currently enrolled in the Cognitive Skills program. Throughout his incarceration, Reyes has regularly attended Alcoholics/Narcotics Anonymous meetings. He reported that he has been clean and sober throughout his incarceration. In accordance with Departmental records there is no indication of substance use in the past 19 years. According to DOC Classification Reports, Reyes has maintained an exemplary record within the correctional system, accruing only one minor disciplinary report issued in 2000. He was employed in the Maintenance Department at MCI-Norfolk for approximately five years before transferring to the MassCor Clothing Shop where he has been employed since 2005.

Reyes informed the Board that his involvement in the Emotional Awareness and the Path of Freedom programs provided him with the skills to diffuse volatile situations and manage conflict. In addition, he has a greater understanding as to how to accept responsibility for his actions.

Reyes was born and raised in Belize by his paternal grandparents until the age of 16, when he was sent to reside with his mother in Massachusetts. Reyes began smoking marijuana and drinking beer while living in Belize as a teenager. After moving to the United States, he began using cocaine and drinking alcohol during his senior year of high school. He reported that he was using cocaine in after-hours clubs that he would frequent with friends. At approximately age 20, his drug of choice became heroin, which he would use primarily on weekends and once or twice during week. Reyes stated that he was a "functioning drug addict" who was able to support his family and maintain steady employment, while still using heroin. Reyes stated that his heroin use increased dramatically after the death of his youngest son. He

was at first able to support his habit financially because of his union job, but eventually began to sell drugs to support his own use when he became unemployed.

Reyes provided a detailed and comprehensive version of events regarding Mr. Toon's murder. He informed the Board that he shot Mr. Toon out of anger and that he allowed his anger to spiral out of control. During the hearing he assumed full responsibility, stating, "Certainly wasn't Rodney's fault. I have come to realize I was just an angry man, if it wasn't Toon it could have been somebody else."

Reyes seeks a parole to his Immigration and Customs Enforcement (ICE) detainer, which is lodged with the Department of Correction. In 1998, the Immigration Court issued an Order of Deportation to his country of origin, Belize. If paroled, Reyes plans to reside with Anthony Bernard, his mother's brother-in-law. Employment prospects include working for Mr. Bernard as he operates his own business, and producing coconut oil and selling it locally. In addition, he plans to participate in Alcoholics/Narcotics anonymous.

Several family members and friends attended the hearing in support of parole for Reyes. His mother and daughter spoke in support of his parole, noting they will provide him with the necessary supports to successfully re-enter the community. The Board also received written submissions in support of Reyes' release on parole.

Several members of Rodney Toon's family were present in opposition to Reyes' release. His mother spoke in opposition to parole. The Victim Services Unit read a statement authored by the sister of the victim, stating how the loss of her brother has impacted the lives of her and her family, and conditions that should be imposed if Reyes were granted parole. Suffolk County Assistant District Attorney Charles Bartoloni provided a letter and spoke in response to Reyes' petition for parole. Boston Police Department Commissioner William Evans submitted a letter in opposition to Reyes release on parole.

III. DECISION

Reyes has served 19 years of his sentence and has maintained an exemplary record within the correctional system. He appears empathetic and insightful as to his criminal thinking and behavior which culminated in the death of Rodney Toon. During his 19 years of incarceration, Reyes chose a path of rehabilitation and has engaged in numerous programs, maintained a positive adjustment, and maintained employment. The Board is of the opinion that Reyes has demonstrated his rehabilitative progress and that supervised release is compatible with the welfare of society.

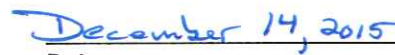
The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Leopold Reyes merits parole release with special conditions, including reserve to the ICE detainer currently lodged with the Department of Correction.

SPECIAL CONDITIONS: Release to other authority (ICE detainer) on or after November 18, 2015; if released from ICE detainer, approve home plan before release; waive work for two weeks; abstain from drugs and alcohol with testing in accordance with agency policy; no contact with victim's family; attend counseling for grief and reintegration; attend AA/NA at least three times per week; GPS at the discretion of the parole officer; report to assigned MA parole office on day of release.

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.



Michael J. Callahan, Executive Director



Date