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Josh Wall
Chairman

DECISION

IN THE MATTER OF

LEOPOLD REYES

W64033

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 9, 2011

DATE OF DECISION: August 2, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh wall

DECISION OF THE BOARD: Parole is denied with a review in four years. The decision is unanimous.

I. STATEMENT OF THE CASE

Leopold Reyes, age 44, shot Rodney Toon, age 40, on October 22, 1995. Mr. Reyes and Mr. Toon had known each other for years. In mid-October 1995, the two had a fight while at Mr. Reyes' apartment resulting in Mr. Reyes receiving stitches near his ear. The two did not see or speak to each other again until October 22. On that day Mr. Toon, Rodney Graham and Solomon Brown went to Mr. Reyes apartment to purchase heroin. Mr. Toon remained in the vehicle with the driver, Mr. Graham, while Mr. Brown proceeded to Mr. Reyes' apartment to purchase heroin. Upon realizing that Mr. Toon was in a vehicle outside his apartment, Mr. Reyes, carrying an unlicensed and loaded .38 caliber revolver, approached the vehicle, asked Mr. Toon about the prior fight and before Mr. Toon could answer fired one shot into Mr. Toon's chest. After the shooting Mr. Reyes fled the jurisdiction for approximately nine months before he was arrested in New York. Mr. Reyes was convicted at trial of second-degree murder on February 2, 1998.

Mr. Reyes' criminal record includes several prior offenses. He is currently serving his third incarceration. He has been previously incarcerated for threats, possession of heroin, possession of a dangerous weapon, possession of ammunition, knowingly being present where heroin is kept, and two separate charges of carrying a dangerous weapon.

II. PAROLE HEARING ON AUGUST 9, 2011

Leopold Reyes made an opening statement in which he gave an apology to Mr. Toon's family and indicated that at the time of the murder he was "a small time dealer" selling to maintain his own personal use. He said that he did not intend to kill Mr. Toon and "my only intention was to hurt him." He described his childhood in Belize, noting that at the age of 16 he dropped out of school after "getting into fights in and out of school" resulting in him being sent to Massachusetts to reside with his brother. While in Massachusetts, he graduated from high school and shortly thereafter became "involved in the nightlife" and began using heroin and cocaine.

The inmate is now 61 and has been incarcerated for 15 years. He currently works in the MassCorr Clothing Shop at MCI-Norfolk. He received 1 disciplinary report in 2000 and has no returns to higher custody. He began program participation 2009, and has participated in the Correctional Recovery Academy, Alternatives to Violence and Re-Entry Services Program. He completed the Law Clerk's training course and advises that he has attended AA/NA meetings since 1999.

The inmate's mother, daughter, and step-daughter testified in support of parole. The victim's mother, brother, sister and Suffolk County Assistant District Attorney Charles Bartoloni testified in opposition to parole.

III. DECISION

Mr. Reyes' testimony at the hearing regarding the murder of Mr. Toon is in conflict with the trial evidence and verdict. Mr. Reyes testified falsely at trial that the shooting was an accident and testified to the Board that he only shot Mr. Toon after Mr. Toon angered him by making aggressive statements. Witness statements, however, do not describe a verbal confrontation prior to the shooting. More importantly, Mr. Reyes focuses on the victim's alleged comments instead of his own anger, aggression, escalation, and intent. This poor insight is especially concerning in light of his false trial testimony. The Board is concerned about Mr. Reyes' acceptance of responsibility for his actions in murdering Mr. Toon.

It is further noted that although Mr. Reyes has availed himself to programs to address the causative factors of his crime, these rehabilitative efforts only began in 2009. As evidenced by Mr. Reyes not fully accepting responsibility for the murder of Mr. Toon and attempting to shift blame to the victim, Mr. Reyes shows that his rehabilitative work needs to continue. Accordingly, it is the unanimous opinion of the Board that Mr. Reyes' release at this time is incompatible with the welfare of society and that it is reasonably probable that he will re-offend if released on parole. Parole is denied with a review in four years.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Josh Wall, Chairman



Date