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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**

**LISANDRO DIAZ**

**W67227**

**TYPE OF HEARING:** **Review Hearing after Revocation**

**DATE OF HEARING:** **November 1, 2011**

**DATE OF DECISION:** **October 19, 2012**

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

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

**I. INTRODUCTION**

Lisandro Diaz appeared before the Massachusetts Parole Board on November 1, 2011 for a review hearing following his return to custody as a parole violator. After careful consideration of all relevant facts, including the nature of the underlying offense and the parole violation, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time.

**II. STATEMENT OF FACTS**

Lisandro Diaz was released on parole from a life sentence on October 29, 2010 with the requirement that he complete a long term residential program. Mr. Diaz was terminated from the Channing House in Worcester due to his poor conduct. As a consequence he was returned to custody on December 29, 2010 and his parole was revoked by the Board on January 11, 2011 at the completion of the revocation process. During the two months he was at the residential program, Mr. Diaz was frequently on restriction for disregarding program rules, challenging and disrespecting staff and residents, and acting in an aggressive manner.

Papilon Ferreiras was shot death on July 10, 1994 as he stood on Byers Street in Springfield. Members of the La Familia gang committed the murder as part of ongoing gang warfare with Los Solidos. Earlier on the same evening, members of Los Solidos shot three members of La Familia. Members of La Familia met and received orders from Lisandro Diaz, one of the gang's leaders. Miguel Vasquez, Angel Rodriguez, and Scotty Ruiz were assigned to retaliate by searching for Los Solidos members in the area near High Street. Ruiz drove a stolen white Buick; Vasquez was in the front passenger seat armed with a handgun; Rodriguez was in the back seat with a rifle. They cruised High Street and located a member of Los Solidos; they did not fire after Vasquez noticed a man with a child near the intended target. Ruiz drove the Buick to nearby Byers Street. They drove by a group of young men standing near the street. Vasquez fired the handgun multiple times; Rodriguez fired the rifle. Mr. Ferreiras was struck once in the chest. A second victim, Jose Aguyo, was shot in the leg and recovered. Mr. Ferreiras was known as a leader in Los Solidos. The case was unsolved until 1996.

In their statements to police, Mr. Diaz's co-defendants said that Lisandro Diaz ordered members of La Familia to find any members of Los Solidos and kill them. According to a statement made by Lisandro Diaz to the Springfield Police, the drive by shooting was in retaliation for two prior shootings. The first, earlier in the summer of 1994, resulted in the death of the "godmother" of La Familia and the second, hours before this murder, of three members of La Familia.

On November 2, 1999, in Hampden Superior Court, Mr. Diaz pled guilty to one count of accessory before the fact of second-degree murder and was sentenced to life in prison. This sentence was ordered to run concurrent with the Federal sentence he was serving at that time, which was 160 months for cocaine trafficking and possession of a firearm. Mr. Diaz has five years of supervised released through Federal Probation and consequently has an active detainer lodged by that agency.

The co-defendants in this case are Angel Rodriguez (second-degree murder), Miguel Vasquez (second-degree murder) and Scott Ruiz (conspiracy to commit murder with a sentence of 5 to 7 years).

### **III. INSTITUTIONAL HISTORY**

Mr. Diaz was 18 years old at the time of the offense. He is currently 37 years old and serving his first state incarceration but sixth adult incarceration, which includes a Federal commitment. Mr. Diaz has received nine disciplinary reports, including fights in 2001, 2002 and 2003, and possession of a weapon in 2002. In 1998 the inmate was convicted of assault and battery on a corrections officer that occurred at the jail awaiting trial; he received a 90-day commitment. Since his return as a parole violator, Mr. Diaz has not incurred any disciplinary reports.

Mr. Diaz is currently incarcerated at MCI Norfolk and since his return to custody he has engaged in limited programming, which includes AA/NA (both English and Spanish meetings), Family Awareness (Spanish) and Latino Cultural. He is not employed. Before his parole, Mr. Diaz had almost no program participation until 2008. Once he started programming, Mr. Diaz

completed the Correctional Recovery Academy, Alternatives to Violence, Emotional Healing, and Active Listening. Mr. Diaz has been involved in Adult Basic Education since 2002 and was trying to obtain his GED.

Mr. Diaz formally renounced his gang affiliation in 2001.

#### **IV. PRIOR PAROLE HEARING**

Mr. Diaz was before the Board for his initial parole hearing on April 8, 2010. The Board voted to parole Mr. Diaz to a long term residential program after he completed his federal sentence. The Board noted that "Mr. Diaz appears to have taken all available steps in addressing his criminal behavior, first by renouncing his gang affiliation, followed by attending many programs. He appears to be remorseful and aware of the pain he inflicted on his victim's family. In addition to parole supervision, Mr. Diaz will be subject to five years supervised release by the United States Probation Department."

#### **V. PAROLE HEARING ON NOVEMBER 1, 2011**

After his return to custody due to his parole violation, Mr. Diaz seeks a re-parole to another long term residential program. As demonstrated throughout the hearing, Mr. Diaz took no responsibility for his poor behavior at the residential program. Under questioning he admitted that after 15 days he started to have problems, which is reflected in the termination letter from Channing House. He maintained that "I asked for assistance from them and I didn't get it. I used all the skills I learned." Mr. Diaz went on to say that the program "did not fit my needs." When asked about his aggressive behavior while at the Channing House he stated "I didn't get defensive but I protected myself from high risk situations, they were doing drugs in the house and I reported it." He appeared entitled and manipulative.

The information provided by the Channing House is a detailed account of the problems they encountered with Mr. Diaz. One Board Member, in reviewing the information, told Mr. Diaz that "time and again you believed you were in the right and had to set someone straight and you have no contrition today."

Mr. Diaz stated that he was a leader of La Familia and did orchestrate and order the shooting of rival gang members. He also informed the Board that he "renounced at Shirley Max and got two beat downs."

During his closing, Mr. Diaz stated "if you don't parole me, give me the whole five years."

The Hampden County District Attorney's Office and the Springfield Police Department oppose parole. Mr. Diaz had several supporters of parole in attendance, four of whom spoke. One supporter said, "He came across today as selfish and entitled, but that's not what he's really like." A supporter also stated, "I asked him to go to anger management; he needs that."

## VI. DECISION

Mr. Diaz was paroled in October 2010 after serving almost sixteen years of his second degree life sentence and was returned as a parole violator after merely two months. He was terminated from the residential program because he disobeyed program rules, argued with the staff, and acted aggressively with staff. Mr. Diaz takes no responsibility for his parole violations as he denies any wrongdoing; moreover, he has an excuse for every incident. He boldly claims he did nothing wrong but was mistreated at every turn by program staff. Mr. Diaz has no recognition of his own negative behavior and lacks insight into his criminal thinking and anger issues.

Lisandro Diaz's quick and dismal failure on parole established that he was not ready to live in the community. Once he was released, Mr. Diaz had no interest in maintaining a rehabilitative path in the community. Instead, he returned to old patterns of control, entitlement, negative interactions, and poor conflict resolution. Fortunately he was under the watch of program professionals and his parole officer; as a result he was returned to custody before his anger and defiance resulted in a new crime. Mr. Diaz's release on parole is not compatible with the welfare of society and it is not reasonably probable that Mr. Diaz would not re-offend if re-paroled. Accordingly, parole is denied. As he demonstrated in the community, Mr. Diaz has a lot of rehabilitative work to do; the review, therefore, will be in five years.

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

  
Caitlin E. Casey, Chief of Staff

10/19/12  
Date