

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

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF

LOUIS TIBURCIO
W84895

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 21, 2021

DATE OF DECISION: May 6, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On February 1, 2005, after a jury trial in Essex Superior Court, Louis Tiburcio was found guilty to the second-degree murder of Rodolfo Diaz and was sentenced to life in prison with the possibility of parole.

Mr. Tiburcio appeared before the Parole Board for a review hearing on January 21, 2021 and was represented by Attorney Robert Farris. This was Mr. Tiburcio's second appearance before the Board, having been denied in 2018. The entire video recording of Mr. Tiburcio's January 21, 2021 hearing is fully incorporated by reference to the Board's decision.

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 a unanimous decision that the inmate is a suitable candidate for parole. Reserve to an approved home plan after six months in lower security. Mr. Tiburcio has served 18 years for the shooting death of Rodolfo Diaz. Since his last hearing he has continued to engage in meaningful treatment and programming to include Jericho Circle, he graduated from Boston University with a bachelor's degree in May of 2020 and obtained a welding license. He also continued to maintain a positive adjustment. A period of transition in a lesser security environment will increase his likelihood of success upon reentry into the community. Mr. Tiburcio also has a strong network of support.

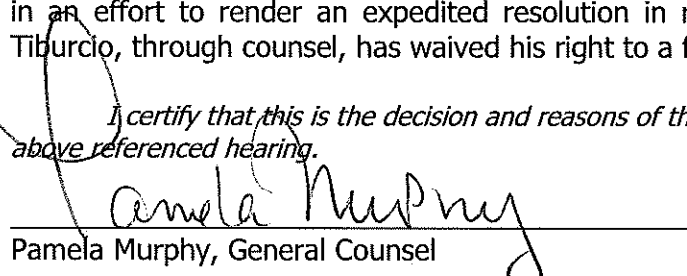
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable

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." In forming this opinion, the Board has taken into consideration Mr. Tiburcio's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Tiburcio's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Tiburcio's case, the Board is of the unanimous opinion that Mr. Tiburcio is rehabilitated and merits parole at this time.

Special Conditions: Reserve to an approved home plan after six months in lower security; Waive work for two weeks; must be home between 10 p.m. to 6 a.m.; ELMO-electronic monitoring; 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; No contact with victim's family; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Tiburcio, through counsel, has waived his right to a full administrative decision.

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



Pamela Murphy, General Counsel

5/16/2021

Date