

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**LUIS FLORES**

**W53273**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** January 21, 2021

**DATE OF DECISION:** December 6, 2021

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

**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 unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of this hearing.

**I. STATEMENT OF THE CASE**

On September 30, 1992, in Middlesex Superior Court, Luis Flores pleaded guilty to the second-degree murders of Jose Luis Guerra and Fermin Tiburcio. That same day, Mr. Flores also pleaded guilty to one count of armed robbery and one count of armed assault in a dwelling. He was sentenced to serve two concurrent life sentences with the possibility of parole for the murders. He was also sentenced to two 20 to 25 year terms, to be served concurrent with each other and from and after the life sentences, for the convictions of armed robbery and armed assault in a dwelling.

In the days leading up to the murders of Mr. Guerra and Mr. Tiburcio, Luis Flores devised a plan to rob the men of money and cocaine. Mr. Flores recruited Pablo Flores (Mr. Flores' brother), Felix Figueroa, Reinaldo Hernandez, Lance Taylor, and Wilfredo Vazquez to assist in the robbery. Mr. Flores coordinated the entire robbery by setting up the time and

outlining the role that each co-defendant was to serve. On the evening of February 14, 1992, the co-defendants met at Mr. Flores' house. Mr. Flores went to the victims' apartment, armed with a .25 caliber handgun. His cohorts were armed with a sawed-off shot gun and other weapons, as well. The armed robbery took place later that evening, and into the early morning hours, of February 15. During the commission of the robbery, Mr. Flores murdered both victims "execution style" with his handgun. On February 26, 1992, following a police investigation, Mr. Flores gave a statement to police admitting to the murders.

## **II. PAROLE HEARING ON JANUARY 21, 2020**

Luis Flores, now 50-years-old, appeared before the Parole Board for a review hearing on January 21, 2021. He was represented by law students Gillian Veralli and Elana Brockmann from Boston College Law School. Mr. Flores was denied parole after his initial hearing in 2007, and after his review hearings in 2012 and 2017. In his opening statement to the Board, Mr. Flores took responsibility for his "careless actions" that resulted in the death of Mr. Guerra and Mr. Tiburcio. He acknowledged the impact his crime had on the victims' families, stating "I'm saddened for what I've done." Mr. Flores further stated that he has "changed" since his last hearing and no longer disputes the official version of the crime.

Board Members questioned Mr. Flores about his convictions of assault and battery by means of a dangerous weapon, and assault and battery on a police officer, that occurred prior to the governing offense. Mr. Flores told the Board that he "jumped in" when he saw his brother being attacked. He stabbed someone and served approximately one year for the crime. Upon his release, he resumed selling drugs, stating, "I picked up where I left off." Mr. Flores explained that, at a young age, he needed to "provide" for himself by selling marijuana and then "graduat[ing] to cocaine." Upon questioning, Mr. Flores admitted that, on a "bad week" he was making approximately \$7,000-\$8,000. He was the "boss" of the operation and employed six other men.

When Board Members questioned Mr. Flores as to his relationship with Mr. Guerra and Mr. Tiburcio, he explained that they were his drug suppliers. Prior to the governing offense, he began to receive complaints from his "clients" regarding drug quality. As such, Mr. Flores claimed that he had the drugs tested, which confirmed his suspicion that his supplier was diluting the drugs. Upon this realization, Mr. Flores told the Board that he felt "betrayed." When asked if this is what precipitated the governing offense, Mr. Flores indicated that it was. Mr. Flores admitted that he did not plan to rob the victims, as he had previously claimed; rather, he went there to "confront them and kill them." When the Board asked if his co-defendants were made aware of this plan, Mr. Flores admitted that they were not because he "manipulated the situation." Board Members noted that the manner in which Mr. Guerra and Mr. Tiburcio were killed was indicative of an execution. When asked how he was capable of committing such a horrific act, Mr. Flores cited his exposure to violence as a child, as well as his "macho pride." Although he recognized that his behavior was "stupid," Mr. Flores conveyed to Board Members that he was raised to "be a man" and would not allow others to "mess" with him, contributing to his propensity for violence.

Board Members discussed Mr. Flores' institutional adjustment and commented on his recent improvements, such as remaining disciplinary report free and engaging in rehabilitative programs. However, when Board Members raised concern as to his violent past, Mr. Flores

described himself as a "fighter" and admitted that he was combative with Department of Correction officers and inmates. The Board inquired about his disciplinary report incurred for assaulting a correctional officer, which resulted in a 3-year placement in the Department Disciplinary Unit (DDU). In 2014, Mr. Flores pleaded guilty (criminally) to the assault on the corrections officer and received a two-and-a-half-year concurrent sentence. Mr. Flores explained that an altercation ensued when the officer broke his headphones. He then put the officer in a "chokehold," taking measures to prevent other officers from coming to his aide. When Board Members asked about his intentions, noting that the altercation almost turned fatal, Mr. Flores admitted that he planned on "finishing him [the officer] off." At the time, Mr. Flores stated that he "gave up" on himself because he felt as if he didn't have the "drive" to change. Upon reflection, however, Mr. Flores now expresses remorse over his actions, stating that he is "ashamed" of his "horrible" behavior.

When Board Members questioned him as to whether he addressed his anger and violence issues, Mr. Flores stated, "There is no more violence in me." He began to "make a change" in 2017 because he realized that he was hurting himself and those around him. Board Members noted his participation in programs, such as Alternative to Violence, Restorative to Justice, and Jericho Circle. While Mr. Flores acknowledged that anger will always be an issue for him, he told the Board that he's committed to improvement.

Board Members considered testimony in support of parole from Mr. Flores' friend. The Board considered the testimony in opposition to parole by Middlesex Assistant District Attorney Alicia Walsh, as well as a letter of opposition submitted by Assistant District Attorney Adrienne Lynch.

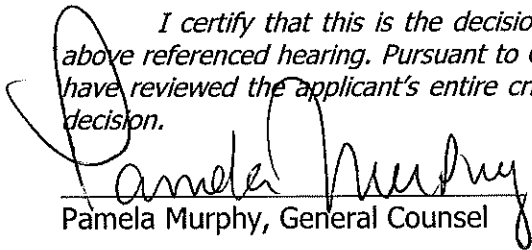
### **III. DECISION**

The Board is of the opinion that Luis Flores has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Flores has served 28 years for the two brutal murders in 1992. The Board noted that since 2011, his overall adjustment has improved. The Board noted that he only began to invest in rehabilitative programming in 2017. Mr. Flores has a long history of exhibiting anger and violence, as evidenced by his past disciplinary reports, and he should continue to invest in programming to address this need area. Mr. Flores should re-engage in Restorative Justice and continue to further his education, as he has engaged in coursework through Mt. Wachusett College.

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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Flores' 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. Flores' risk of recidivism. After applying this standard to the circumstances of Mr. Flores' case, the Board is of the unanimous opinion that Luis Flores does not merit parole at this time.

Mr. Flores' next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Flores to continue working towards his full rehabilitation.

*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.*

  
Pamela Murphy, General Counsel

12/6/2021  
Date