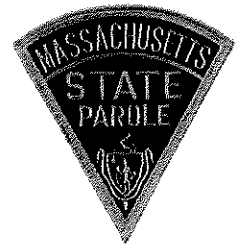


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

LUIS PEREZ

W33937

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **September 24, 2024**

DATE OF DECISION: **December 19, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, and Rafael Ortiz.

VOTE: Parole is granted to Immigration and Customs Enforcement (ICE).

PROCEDURAL HISTORY: On January 23, 1973, following a jury trial in Middlesex Superior Court, Luis Perez was convicted of first-degree murder, armed robbery, arson, and larceny of a motor vehicle. He was sentenced to life in prison without the possibility of parole for first-degree murder. Mr. Perez was sentenced to 10-20 years for arson, 10-20 years for armed robbery, and 5-10 years for larceny of a motor vehicle. The sentences for arson, armed robbery, and larceny of a motor vehicle were ordered to run concurrently with each other and to the life sentence.

Mr. Perez became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision, with regard to Mr. Perez's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after 15 years. Mr. Perez appeared before the Parole Board for an initial hearing on September 24, 2024, represented by Attorney Nicole Ouellette. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Perez's September 24, 2024, hearing.

STATEMENT OF THE CASE:¹ Nineteen-year-old Luis Perez was informed by Luis Alvarez that Peter Kyriazopoulos had \$5,000 cash in a closet in his apartment. Mr. Perez, Antonio Mangula, and Mr. Alvarez agreed to burglarize the apartment because Mr. Perez needed money. On April 22, 1971, the three men drove to Mr. Kyriazopoulos' apartment. Mr. Mangula waited in the car, while Mr. Perez and Mr. Alvarez entered the building. Mr. Perez, who was armed with a rifle, stood back while Mr. Alvarez knocked on the victim's door. When Mr. Kyriazopoulos opened it, Mr. Perez emerged with the rifle and entered the apartment. Mr. Kyriazopoulos then tried to pick up the phone, but Mr. Perez pointed the rifle at him as Mr. Alvarez ripped the phone from the wall. Mr. Alvarez went to the closet, where he believed the victim's money and gun were located. When Mr. Alvarez returned, he informed Mr. Perez that the money in the closet was fake. Mr. Kyriazopoulos made a motion of some kind. Mr. Perez then shot him in the face and head. Mr. Alvarez claimed that he ran from the apartment and heard a third shot, which Mr. Perez fired into the victim's head.

Mr. Alvarez and Mr. Mangula waited in the car for approximately 5 minutes before Mr. Perez emerged from the apartment. When Mr. Perez returned to the car, he informed Mr. Alvarez and Mr. Mangula that "the firemen will be here soon." Mr. Perez set the victim's apartment building on fire, and the victim's body was subsequently discovered by the Lowell Fire Department. The victim's cause of death was three gunshot wounds to the head. After leaving the scene, Mr. Perez disposed of the car in a wooded area and set the car on fire.

APPLICABLE STANDARD: Parole shall be granted "only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." G. L. c. 127, § 130. The Board considers multiple factors in making its decision, including the incarcerated individual's institutional behavior; their participation in available work, education, and treatment programs during their incarceration; and whether the incarcerated individual's chances of recidivism could be reduced by participation in risk reduction programs. G. L. c. 127, § 130. The Board considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the entirety of the incarcerated individual's criminal record, the incarcerated individual's institutional record, the incarcerated individual's testimony at the hearing, and the views of the public expressed at the hearing and/or in written submission to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers

¹ The Statement of Facts is derived from Commonwealth v. Perez, 390 Mass. 308 (1983).

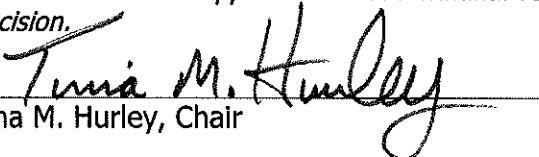
the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

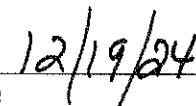
DECISION OF THE BOARD: Mr. Perez came before the Board for a hearing as a result of the SJC's decision in Commonwealth v. Mattis. He has been incarcerated for over 50 years and is now 73-years-old. The Board considered Mr. Perez's medical issues. The Board considered the testimony of Dr. Emily Brown. Mr. Perez has remained disciplinary report free since 2006. He continues to engage in programming and has completed approximately 70 programs during his incarceration. Mr. Perez has recently completed Nonviolent Conflict Resolution. He has been working as a library law clerk. He is an ordained minister. He scored low risk on the LSCMI risk assessment tool.

The Board concludes by unanimous decision that Mr. Perez has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Approve home plan before release; Release to ICE detainer; Report to assigned MA Parole Office on day of release, if released from ICE custody; Waive work for two weeks if released; Must be at home between 10 PM and 6 AM for the first 6 months only; Electronic monitoring for first 6 months only; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; Must have substance abuse evaluation and must follow recommended treatment plan; Must have mental health counseling for transition, grief and loss.

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.


Tina M. Hurley, Chair


Date