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PAROLE BOARD

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Gloriann Moroney
Chair

Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF

OSCAR REYES
W88350

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 6, 2020

DATE OF DECISION: December 29, 2020

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

STATEMENT OF THE CASE: On September 21, 2006, after a jury trial in Hampden Superior Court, Oscar Reyes was convicted of the second-degree murder of Jose Costoco and was sentenced to life imprisonment with the possibility of parole. That same day, Mr. Reyes was convicted of assault and battery and received a one-year concurrent sentence.

On February 17, 2005, Jose Costoso and his friend were stopped in a parking lot as Mr. Costoso attempted to fix the taillight on his car. A green sport utility vehicle pulled up, and two men got out and started to beat Mr. Costoso. Thereafter, three more men—17-year-old Mr. Reyes, Jose Marrero, and Jesus Gonzalez—ran from across the street to join in the beating. After the beating, the two men from the green SUV got back in the vehicle and left the scene. Mr. Reyes ran back across the street from where he had come, while Gonzalez and Marrero stayed behind. Mr. Marrero had brought a firearm at the request of Mr. Reyes. Mr. Marrero then shot and killed the victim.

Mr. Reyes appeared before the Parole Board for an initial hearing on August 6, 2020 and was represented by Attorney Lisa Newman-Polk. The entire video recording of Mr. Reyes' August 6, 2020 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 unanimous vote that the inmate is a suitable candidate for parole. Reserve to CRJ-TH Foundation House.

Mr. Reyes has served 15 years for his participation for the murder of Jose Costoso. During his commitment he participated in meaningful treatment and programing to address his causative factors. His level of insight as to his social and criminal history was apparent throughout the hearing. Highlighting his level of rehabilitative progress and his institutional adjustment, he was transferred to NECC eight months ago. He has demonstrated through his actions and words that his release is not incompatible with the welfare of society. The Board did consider testimony from forensic psychologist Dr. Hilary Ziven. She stated that he posed a low risk to society and to breaking the law.

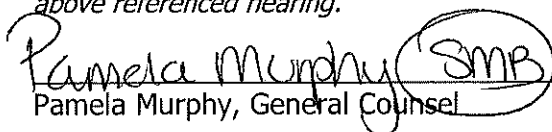
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

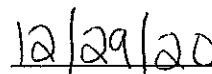
In forming this opinion, the Board has taken into consideration Mr. Reyes' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction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

Special Conditions: Waive work for 2 weeks; Must be at home between 10 p.m. and 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; Long term residential program- CRJ-TH-FH (Foundation House); AA/NA at least 3 times/week; After Incarcerated Support Services ("AISS")-full intake and adhere to plan.

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. Reyes, 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


 Date