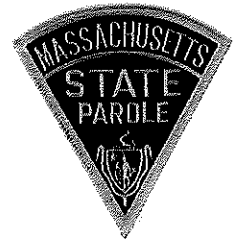


The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

REYNALDO MARTINEZ

W68775

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 5, 2019

DATE OF DECISION: February 18, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, 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 the 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 at this time. Parole is denied with a review scheduled in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On November 15, 2000, in Hampden Superior Court, Reynaldo Martinez pleaded guilty to the second degree murder of Johnny Acevedo and was sentenced to life in prison with the possibility of parole. He also pleaded guilty to possession of a firearm and received a 3 to 5 year concurrent sentence. Mr. Martinez filed two motions for new trial, both of which were denied. Mr. Martinez appealed the denial of his second motion for new trial, which was affirmed by the Massachusetts Appeals Court.² The Supreme Judicial Court denied Mr. Martinez's request to review of the Appeals Court decision.³

¹ One Board Member voted to deny parole with a review in four years.

² *Commonwealth v. Martinez*, 80 Mass. App. Ct. 1111 (2011).

³ *Commonwealth v. Martinez*, 461 Mass. 1104 (2011).

In the early morning hours of March 8, 1998, 17-year-old Johnny Acevedo and two of his friends left Danny's Bar in Holyoke and stood out front watching people leave. Mr. Acevedo asked one of his friends for the car keys, so that he could get his jacket from inside the vehicle. As Mr. Acevedo neared the vehicle, a small gray car pulled up. Mr. Martinez (age 19) got out of the car and fired several shots at Mr. Acevedo. Mr. Martinez's co-defendant, Michael Marrero, then got out of the same car and also fired shots at Mr. Acevedo, who had been running across the parking lot in flight. After crossing a street, Mr. Acevedo fell to the ground and was pronounced dead at 2:08 a.m. from a gunshot wound to the chest. Mr. Martinez shot Mr. Acevedo because he was a member of a rival gang.

II. PAROLE HEARING ON FEBRUARY 5, 2019

Reynaldo Martinez, now 41-years-old, appeared before the Parole Board for a review hearing on February 5, 2019. He was represented by a Law student from the Northeastern University School of Law. Mr. Martinez was denied parole after his 2014 initial hearing. In his opening statement to the Board, Mr. Martinez offered an apology "from the bottom of his heart" to Mr. Acevedo's family, and especially to his mother, for the pain he caused them. He acknowledged that when he killed Mr. Acevedo, he took his opportunity to live a happy life. Mr. Martinez detailed a childhood in which he experienced trauma that desensitized him to violence. When he moved to the United States at age 12, Mr. Martinez explained that his support network consisted, in part, of those involved in criminal lifestyles, leading him to become a member of a security threat group.

The Board questioned Mr. Martinez as to his interactions with Mr. Acevedo prior to the commission of the governing offense. Mr. Martinez explained that he had known Mr. Acevedo as an acquaintance with whom he had no personal issues. Still, Mr. Acevedo was known to Mr. Martinez to be affiliated with a rival security threat group. On the night of the murder, Mr. Martinez told the Board that Mr. Acevedo was the only individual in a group of people that he recognized to be a member of a rival group. For that reason, he followed him to a parking lot and shot him multiple times at close range.

The Board noted that Mr. Martinez has participated in programming efforts and employment during his incarceration, most notably working full-time as a runner and volunteering in the units when he is able. Mr. Martinez explained that he has benefitted from the Correctional Recovery Academy because it provides him with a support group that, like him, consists of people trying to make a positive change. Mr. Martinez developed vocational skills, such as painting and flooring, while participating in Violence Reduction and Criminal Thinking. He acknowledged, however, that he developed a substance abuse issue that gave rise to a disciplinary report for possession of suboxone. Mr. Martinez explained that while he is unable to regularly participate in Narcotics Anonymous due to scheduling conflicts with the Correctional Recovery Academy, he hopes to participate in the future.

Board Members expressed their concern with the 21 disciplinary reports that Mr. Martinez has accrued since his last hearing. In addition, Board Members noted that he has not officially disassociated from a security threat group. Mr. Martinez indicated that he has taken steps to disassociate and will continue to do so until the process is complete. He also told the Board that

he plans to stay disciplinary-report free and focus on himself, while staying away from those affiliated with security threat groups.

Mr. Martinez's sister, girlfriend, and former clinician testified in support of parole. Hampden County Assistant District Attorney Howard Safford testified and submitted a letter in opposition to parole.

III. DECISION

It is the opinion of the Board that Mr. Martinez has made some strides in his rehabilitation. However, he has incurred approximately 20 disciplinary infractions since his last hearing. He should continue to participate in the renunciation process.

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. Martinez'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. Martinez's risk of recidivism. After applying this standard to the circumstances of Mr. Martinez's case, the Board is of the opinion that Reynaldo Martinez is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Martinez's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Martinez 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

2/18/2020
Date