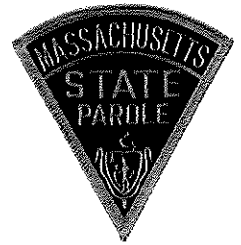


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

REYNALDO MARTINEZ
W68775

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 28, 2024**

DATE OF DECISION: **August 20, 2024**

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

VOTE: Parole is granted after one year in lower security to Interstate Compact - Pennsylvania. If denied lower security, the Board votes parole to Pennsylvania.¹

PROCEDURAL HISTORY: On November 15, 2000, in Hampden Superior Court, Reynaldo Martinez pleaded guilty to murder in the second degree for the killing of 17-year-old Johnny Acevedo. Mr. Martinez was sentenced to life in prison with the possibility of parole. On that same date, he also pleaded guilty to possession of a firearm and received a 3 to 5-year concurrent sentence. Parole was denied after an initial hearing in 2014, and after a review hearing in 2019. Mr. Martinez postponed his review hearing scheduled for 2022. On May 28, 2024, Mr. Martinez appeared before the Board for a review hearing. He was represented by two student attorneys from the Harvard Prison Legal Assistance Project under the supervision of Attorney John Fitzpatrick. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Martinez's May 28, 2024, hearing.

STATEMENT OF THE CASE: 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,

¹ Two Board Members voted to deny parole with a review in two years from the date of the hearing.

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.

APPLICABLE STANDARD: Parole "[p]ermits 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." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Mr. Martinez's third appearance before the Board. Mr. Martinez was 19-years-old at the time of the offense. This offense was directly related to his gang affiliation. Mr. Martinez came to the United States from Puerto Rico at age 11. He reported that he was surrounded by violence and gang activity and quickly fell under the wing of an older [STG] member. He reported being initiated into the [STG] by age 14 and became entrenched into the culture of the gang and criminal activity. He reported that he self-terminated from the gang in 2016; however, he states that he has endured significant pressure to re-activate his gang status, leading to many challenges and safety concerns.

Mr. Martinez has a history of mental health issues, including multiple hospitalizations at Bridgewater State Hospital as a result of numerous suicide attempts. Mr. Martinez also has a history of addiction; however, since engaging in Medically Assisted Treatment, he has been sober. Mr. Martinez has engaged in, and benefitted from, meaningful programming to address his needs, including Cognitive Behavioral Programming, Violence Reduction, Mental Health, Addiction Treatment, and Restorative Justice. Mr. Martinez presented with insight into his treatment needs in the community. He presented as motivated to continue with treatment. Mr. Martinez has a strong support system to assist with his re-entry. The Board considered public testimony from both Mr. Martinez's sister and former clinician, who spoke in support of parole, and an Assistant District Attorney from Hampden County, who spoke in opposition.

SPECIAL CONDITIONS: Approve home plan before release; Release to other authority: Interstate Compact – Pennsylvania; Restrict work for 2 weeks; Curfew: must be at home between 10PM and 6AM for first 90 days upon release; Electronic monitoring for first 6 months upon release; 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 or association with gangs/gang activities; No contact with victim(s)' family; Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for depression, PTSD, and relapse prevention.

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