



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Deval L. Patrick  
Governor

Andrea J. Cabral  
Secretary

Telephone # (508) 650-4500  
Facsimile # (508) 650-4599

Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**REYNALDO MARTINEZ**

**W68775**

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** February 11, 2014  
**DATE OF DECISION:** September 22, 2014

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

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

On November 15, 2000, in Hampden Superior Court, Reynaldo Martinez was found guilty of murder in the second degree after a jury trial and was sentenced to life in prison with the possibility of parole at fifteen years. He was also found guilty of possession of a firearm and received a three to five year concurrent sentence.<sup>1</sup>

On May 18, 2001, Michael Marrero, Martinez's co-defendant, was convicted in Hampden Superior Court of manslaughter and sentenced to 10 to 15 years. He was also convicted of possession of a firearm and given a 3 to 5 year concurrent sentence. Marrero was paroled on March 29, 2009 and his parole discharge date was October 23, 2012.

Martinez appealed the conviction of his second degree murder claiming ineffective assistance of counsel. The appeal was denied.

## **II. INSTITUTIONAL HISTORY**

Reynaldo Martinez's overall adjustment has been deemed problematic resulting in numerous returns to higher security, multiple placements in disciplinary detention or the special management unit, and approximately 40 disciplinary infractions. In 2009, while incarcerated at MCI-Norfolk, Martinez was convicted in Norfolk Superior Court of arson and vandalism after lighting his cell on fire. Significant disciplinary infractions include gang activity, assaulting staff and inmates, setting a fire, possession of a weapon, encouraging riots and threatening staff, self-mutilation and tampering with security devices. In addition, he has had numerous transfers to Bridgewater State Hospital and attempted suicide on 12 occasions.

Although Martinez had engaged in programming to renounce his gang affiliation, his renunciation was not accepted by the Department of Correction after he was found to be in possession of gang related material. This resulted in permanent security threat group status.

Martinez's institutional programming and education during his incarceration is limited due to his mental health problems and his inability to conform his behavior. Programming consists of Security Threat Group, Criminal Thinking and Anger Management; Problem Solving and Thinking Skills; and High Risk Offender Program. In addition to the above, he reports that he has participated in the Latino Economic Seminar, is involved in religious services, and has been working towards earning his GED.

## **III. PAROLE HEARING ON FEBRUARY 11, 2014**

Reynaldo Martinez appeared before the Massachusetts Parole Board for an initial hearing on the life sentence for second degree murder he is currently serving in maximum security at Souza Baranowski Correctional Center. Martinez is serving his first state incarceration and has four prior county convictions. There are a total of 28 adult arraignments and 13 juvenile arraignments on his Board of Probation record.

Martinez seeks a parole to a long term residential program for a gradual transition into the community at which point he would reside with his girlfriend and her daughter in Springfield. He states that he has the support of his family and his girlfriend to help him transition into society.

---

<sup>1</sup> Martinez was also found guilty of possession of ammunition and that case was filed.

Martinez presented an apologetic opening statement to the Board expressing his remorse for his crime, the loss of life and the impact on the victim's family. He said that he knew the victim and it was a cowardly decision. Martinez had received an order to terminate a rival gang member on sight and acknowledges he chose Johnny Acevedo because he would pose no immediate threat.

Martinez was 19 years old at the time of the murder, and was a soldier in the local chapter of the Latin Kings. He had previously held a leadership position within the local chapter. Martinez was Chief Enforcer General and was responsible for seeing that missions were accomplished. He was removed from the position when he was sent to await trial at the Hampden County Sheriff's Department for an unrelated offense that was subsequently dismissed. He had been a member of the Latin Kings since he was 14 years old.

During his hearing Martinez acknowledged he has not been a model inmate and he has accrued a significant number of disciplinary reports. He described his disruptive behavior as an attempt to develop a reputation throughout the system. The manipulative and self-injurious behavior he has exhibited throughout his incarceration has been perceived by the administration and mental health professionals as a way to control his environment, housing assignments and obtain medication. The Board is concerned with Martinez's long standing affiliation and activity as a gang member in both the community and within the correctional system. His continued pattern of anti-social behavior is evident and indicates that he has not fully disengaged from the lifestyle of the gang.

Martinez indicated that his ultimate goal for participating in the parole hearing was to get a better idea of what he must do to be successful in future petitions. He does recognize that in order to maximize his chances for parole he will need to further engage in treatment and programming, and improve his institutional behavior. It is his hope to obtain his GED and one day to be eligible for transfer to a medium security facility.

Hampden Assistant District Attorney Howard Safford spoke in opposition to Martinez's petition for parole. Martinez's sister, Nancy Martinez attended the hearing and spoke on behalf of his petition for parole.


#### **IV. DECISION**

Reynaldo Martinez and a fellow gang member ambushed Johnny Acevedo and both fired multiple gunshots that struck and killed Mr. Acevedo. Since coming to prison, Martinez has engaged frequently in disruptive and destructive behavior. He has participated in some programs, but evidently they have not yet had the intended effect. His poor behavior includes criminal convictions for setting his cell on fire in 2009. His poor conduct requires placement in maximum security. Martinez's poor conduct establishes that he is not rehabilitated.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Mr. Martinez does not merit parole because he is not

rehabilitated. The period of review will be five years, during which time Mr. Martinez should improve his behavior, address any real mental health issues, and use rehabilitative programs to address educational deficits and issues of criminal thinking, anti-social behavior, lack of empathy, defiance, and manipulation.

*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.*

  
James DiLoreto Smith, General Counsel

9/22/19  
Date