



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

TIESON GONZALEZ

W83684

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 27, 2017

DATE OF DECISION: September 26, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I.STATEMENT OF THE CASE

On May 25, 2004, after a trial by jury, Tieson Gonzalez was found guilty of second degree murder in the death of Andrew Sierra. Mr. Gonzalez was also convicted of armed assault with intent to murder. Mr. Gonzalez was subsequently sentenced to life in prison with the possibility of parole. He received a concurrent 15-20 year sentence for the armed assault with intent to murder conviction.

On August 24, 2001, officers from the Leominster Police Department responded to 209-211 Mechanics Street on a report of shots fired. It was soon discovered that 19-year-old Andrew Sierra had been shot and killed in a drive-by shooting. At the scene of the crime, the officers asked bystanders if they had seen anything. A bystander stated that Mr. Gonzalez was seen driving the Jeep. This individual, however, refused to testify at trial and later denied the

statement. Acting on this information, Leominster police dispatched officers to Mr. Gonzalez's apartment. During this time, officers found Mr. Gonzalez's co-defendant, David DePascale, driving Mr. Gonzalez's Jeep. The officers searched the vehicle and found cocaine, Mr. Gonzalez's wallet, and a 9mm handgun. One year later, Mr. Gonzalez was arrested on charges of second degree murder. Mr. Gonzalez appealed the conviction twice; however, both appeals were denied.

II. PAROLE HEARING ON JULY 27, 2017

Mr. Gonzalez, now 36-years-old, appeared before the Parole Board on July 27, 2017, for an initial parole hearing and was represented by Student Attorney Eli Balsam. Mr. Gonzalez is currently serving his sentence at MCI-Souza Baranowski. In Mr. Gonzalez's opening statement to the Board, he expressed deep regret for the pain he caused and blamed himself for his actions. Mr. Gonzalez asked the Board to view him as the person he is today, rather than "the kid that had no one show him the difference between the good decisions and the bad." Mr. Gonzalez recounted his difficult childhood, including a lack of supervision. Following in the footsteps of his step-father, Mr. Gonzalez became involved in the drug business from a young age. Then, at age 15, Mr. Gonzalez and his girlfriend (now wife) had their first child. Three years later, they had a second child. At the time of the crime, Mr. Gonzalez stated that he was "heavy into selling drugs" and operated a business with 11 others working for him. At the time, Mr. Gonzalez stated that he made 10 to 12 thousand dollars a week selling drugs.

Mr. Gonzalez reported that the events of the underlying crime precipitated from a disagreement regarding stolen drugs. At the time of the crime, Mr. Gonzalez stated that he was in his car with Mr. DePascale, when shots were fired from their car towards a truck. Shots were then fired from the truck back to their car. Mr. Gonzalez said he later found out that Mr. Sierra had been killed during this incident. Mr. Gonzalez said he was driving his Jeep on the night of the murder; he claimed, however, that he was unarmed and did not shoot Mr. Sierra. The Board noted that Mr. Gonzalez contradicted some of the evidence previously obtained. Mr. Gonzalez said that Mr. DePascale fired shots from the passenger seat in response to his (Mr. Gonzalez's) order. Mr. Gonzalez said that he "didn't stop it when [he] had the power to stop it." Throughout the hearing, Mr. Gonzalez repeatedly stated that there were only two people in the vehicle on the night of the murder, himself and Mr. DePascale. After further questioning from the Board, however, Mr. Gonzalez revealed that there was a third person in the vehicle.

The Board questioned Mr. Gonzalez about his institutional history, as well as his efforts to rehabilitate. Over the course of 15 years in prison, Mr. Gonzalez has received a total of 45 disciplinary infractions. The Board specifically expressed concern regarding his tickets in 2016 for the use of suboxone. The Board also questioned Mr. Gonzalez's involvement in the distribution of drugs while incarcerated. During his first year in prison, Mr. Gonzalez admitted that he was involved in the introduction and distribution of drugs within the prison. The Board expressed further concern regarding Mr. Gonzalez's lack of employment, as well as his lack of participation in sufficient programming. The Board suggested that Mr. Gonzalez participate in programs that address victim empathy and criminal thinking. Although Mr. Gonzalez reported that he no longer uses drugs, the Board indicated that he could benefit from substance abuse programs, as well. Mr. Gonzalez has worked with the "Wheels for the World program" for the past 2 ½ years, a program that refurbishes wheelchairs for needy individuals. He also previously volunteered with Habitat for Humanity.

The Board received letters both in support of, and in opposition to, the release of Mr. Gonzalez. The Board considered oral testimony from Mr. Gonzalez's mother, wife, son, and daughter, all of whom expressed support for parole. The Board considered oral testimony from Worcester County Assistant District Attorney Michelle King in opposition to parole.

III. DECISION

The Board is of the opinion that Tieson Gonzalez has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He has squandered 15 years of incarceration. Mr. Gonzalez has been unable to refrain from engaging in antisocial behavior. His deportment is deplorable, and he has yet to avail himself of relevant programming to address his causative factors. His presentment lacks insight.

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 available work, educational, and treatment programs during the period of his incarcerating. The Board also considered a risk and needs assessment, and whether the risk reduction programs could affectively minimize Mr. Gonzalez's risk of recidivism. After applying this standard to the circumstances of Mr. Gonzalez's case, the Board is of the unanimous opinion that Tieson Gonzalez is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Gloriann Moroney, General Counsel


Date