



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

Daniel Bennett  
Secretary

PAROLE BOARD  
12 Mercer Road  
Natick, Massachusetts 01760

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

Paul M. Treseler  
Chairman

Michael J. Callahan  
Executive Director

**DECISION**

**IN THE MATTER OF**

**LUIS FLORES**

**W53273**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** January 5, 2017

**DATE OF DECISION:** July 17, 2017

**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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.<sup>1</sup>

**I. STATEMENT OF THE CASE**

On September 30, 1992, in Middlesex Superior Court, Luis Flores pled guilty to the second degree murders of Jose Luis Guerra and Fermin Tiburcio. That same day, he also pled guilty to one count of armed robbery and one count of armed assault in a dwelling. Mr. Flores was sentenced to serve two concurrent life sentences with the possibility of parole for the murders. He was also sentenced to two 20 to 25 year terms to be served concurrent with each other, but from and after the life sentences, for the armed robbery and armed assault in a dwelling.

In the days leading up to the murders of Jose Luis Guerra and Fermin Tiburcio, Luis Flores made a plan to rob the victims of money and cocaine. Mr. Flores recruited Pablo Flores (Mr. Flores' brother), Felix Figueroa, Reinaldo Hernandez, Lance Taylor, and Wilfredo Vazquez to assist in the robbery. Mr. Flores coordinated the entire robbery by setting the time (for the robbery) and outlining the role each co-defendant was to serve. On the evening of February

<sup>1</sup> Five Board Members voted to deny parole with a review in four years. One Board Member voted to deny parole with a review in five years.

14, 1992, the co-defendants met at Mr. Flores' house. Mr. Flores went to the victims' apartment armed with a .25 caliber handgun. His cohorts were armed with a sawed-off shot gun and other weapons. The armed robbery took place later that evening and into the early morning hours of February 15. During the commission of the robbery, Mr. Flores murdered both victims "execution style" with his handgun. On February 26, 1992, following a police investigation, Mr. Flores gave a statement to police admitting to the murders.

## **II. PAROLE HEARING ON JANUARY 5, 2017**

Mr. Flores, now 46-years-old, appeared before the Parole Board for a review hearing on January 5, 2017. He was not represented by counsel. Mr. Flores is seeking to be paroled to his 20 to 25 year from and after sentence. Both his initial hearing in 2007 and his review hearing in 2012 resulted in the denial of parole. Mr. Flores did not give an opening statement in this hearing. When the Board questioned Mr. Flores about the murder, he was asked how he knew the victims. Mr. Flores said that they were "associates" and "all selling drugs." A Board Member asked Mr. Flores if part of the plan had been to kill the victims. Mr. Flores indicated that it was not the plan, but "that's what happened" and admitted that he is guilty. Mr. Flores said that he is sorry and remorseful, but that he "let it go" and does not "dwell on it." He also said that he is not "living in the past" and is trying to "live in the present and the future." Mr. Flores added, "Again, I was young, I'm an idiot. If it's written there, if that's what I did, that's what I did... I'm not dwelling on any of that." Later in the hearing, Mr. Flores gave a closing statement in which he apologized and expressed remorse.

Board Members also asked Mr. Flores about his disciplinary history. One Board Member pointed out that Mr. Flores has a total of 55 disciplinary reports, but has been able to remain free of disciplinary reports since 2011. Mr. Flores explained, "I'm an idiot, first of all, but since then I've been living between Genesis and Revelations, so that's been keeping me D report free." The last disciplinary report that Mr. Flores incurred was for an assault on a corrections officer, which resulted in his being placed in the Department Disciplinary Unit (DDU) for three years. In 2014, Mr. Flores pled guilty (criminally) to the assault on the corrections officer and received a two and a half year concurrent sentence. A Board Member asked Mr. Flores whether he addressed the areas of anger and violence that were brought to his attention at his last hearing. Mr. Flores said, "Like as in programming, not really, but in self-programming, the best I can give you is my Bible. That seemed to help me a lot." Mr. Flores added that he did not have access to programs while he was in DDU. He stated, however, that he has both a certificate and a facilitator's certificate for the Alternatives to Violence Program (AVP). Mr. Flores said that he might volunteer for one of the evening AVP classes. The Board Member recommended that Mr. Flores seek additional programming and volunteer opportunities. Mr. Flores stated that he was currently taking computer classes, as well as preparing to take the application test for Mt. Wachusett Community College. He is also on the waiting list for a few programs and works in the facility as a janitor.

Mr. Flores did not have any supporters present at his hearing. Middlesex County Assistant District Attorney Kevin Curtin spoke in opposition to parole. ADA Curtin also submitted a letter of opposition on behalf of Middlesex County ADA Adrienne Lynch.

**III. DECISION**

The Board is of the opinion that Mr. Flores has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Flores has improved his conduct and now demonstrates a willingness to engage in necessary programming to advance his rehabilitation. The Board believes that a longer period of positive rehabilitative adjustment and programming would be beneficial to Mr. Flores's rehabilitation.

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

Mr. Flores' next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Flores 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.*

  
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Gloriann Moroney, General Counsel

7/17/17  
Date