



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

VINNY NUNEZ

W65250

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 19, 2012

DATE OF DECISION: December 17, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in four years. The decision is unanimous.

I. STATEMENT OF THE CASE

Vinny Nunez killed Jason Cox by shooting him in the back during a group altercation on Springfield Street in Lawrence on June 9, 1997. Cox had a longstanding disagreement with Nunez's friend, Richie Alvarez. On June 9, Nunez drove with Alvarez and two other associates to Springfield Street searching for Cox. Nunez was armed with a gun. When they found Cox and one of his friends, the Nunez group began fighting with Cox and his friend. Nunez stood about 15 feet away as the fighting took place. Nunez fired at Jason Cox and struck him in the back.

Nunez pleaded guilty to second degree murder and possession of a firearm on September 14, 1998. He received a life sentence with parole eligibility at 15 years for the murder and a concurrent sentence of 2.5 to 3 years for possession of a firearm.

II. PAROLE HEARING ON APRIL 19, 2012

Vinny Nunez appeared for his initial parole hearing after serving 15 years of his life sentence. He maintained that he acted in self-defense by firing to protect himself as the victim swung a bat at him. The claim of self-defense is not supported by witness statements, grand jury testimony, or the conviction for second degree murder. An independent witness near the scene said the shooter was 10 to 15 feet away from the fight and that the "shooting was totally unnecessary because the kid that got shot was already being punched by two of the shooter's friends." Another witness at the scene said Nunez "came from nowhere and shot the victim for no reason; there was nobody around the shooter when he shot the victim."

Board Members asked Nunez about his lifestyle at the time of the murder. He described himself as "a model citizen" who was not involved in drug dealing, violence, or gang activity. Nunez's claim to be a model citizen is not supported by other available information: he had easy access to a gun on the night of the murder; a search warrant recovered from his bedroom 37 bullets, two bulletproof jackets, and a scale and plastic baggies for use in packaging drugs; and he has prior criminal convictions for breaking and entering, possession of burglarious tools, and attempted larceny of a motor vehicle. Board Members expressed to Nunez their skepticism about his description of his lifestyle.

The inmate has six disciplinary reports and no returns to higher custody during his incarceration. His recent program history is good. He was transferred to MCI Norfolk in 2007 and began participating in Nuestra Familia and Spanish AA/NA. Since 2010 he has completed Alternatives to Violence, Jericho Circle, Able Minds, Second Thoughts, 12 Steps AA, and Emotional Awareness. Nunez was housed at Souza Baranowski from 1999 to 2007; he obtained a GED at Souza but was not involved in any rehabilitative programs during those eight years. He told the Board that he "decided not to partake in many things because I didn't want to go down with a group." He was fired in April 2004 from his job as a runner. He said his transfer to MCI Norfolk was an "eye opener" and he got involved in programs because "it was a safer environment."

Five supporters, including the inmate's mother, brother, and sister, spoke in support of parole. Jason Cox's father, brother, and sister testified in opposition to parole. Essex Assistant District Attorney Paul Wagoner spoke in opposition.

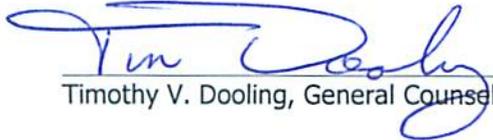
III. DECISION

Vinny Nunez made little effort towards rehabilitation during the first decade of incarceration. He has participated actively in rehabilitative work since 2010. The effects of this short term commitment were apparent at his hearing as he repeatedly minimized or obscured his antisocial thinking and behavior. He accepts very little responsibility for the murder even though he armed himself, drove in search of the victim, and then shot the victim in the back. The evidence and the murder conviction do not support the claim of self-defense. He described himself as a "model citizen" despite considerable evidence that he was involved in criminal activity in the years before the murder. He could not admit that until recently he made a choice not to engage in rehabilitative programming. As one Board Member said, "You have gone backwards at this hearing because you have enormous blind spots about your own history and actions." Vinny Nunez is not rehabilitated. He would be likely to re-offend if released and his

release is incompatible with the welfare of society. Accordingly, parole is denied with a review in four years.

The Board encourages Nunez to be more objective in evaluating his conduct and thinking. His program activity should assist him in accepting responsibility and working more honestly and diligently towards rehabilitation.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.



Timothy V. Dooling, General Counsel

Dec. 17, 2012
Date