



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

ELIZ CARRASQUILLO

W62243

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 24, 2014

DATE OF DECISION: September 30, 2014

PARTICIPATING BOARD MEMBERS: Shelia Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long term residential program after six months in lower security at the Department of Correction (DOC) during which time Eliz Carrasquillo must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

I. STATEMENT OF THE CASE

Eliz Carraquillo shot and killed Santos Villar on December 17, 1995. He pleaded guilty to second degree murder in Suffolk Superior Court on February 28, 1997, and was sentenced to serve life in prison. That same day, he was also sentenced to serve concurrent terms of 20 years to 20 years and one day for armed robbery, 19 to 20 years for three counts of assault with intent to rob, nine to ten years for larceny of a motor vehicle, and two four to five year sentences for unlawful possession of a shotgun and unlawful possession of a firearm. A possession of ammunition charge was placed on file.

On the night of the murder, the victim was attending an after-hours party on Lawrence Avenue in Roxbury. At some point during the night, a group arrived at the party and told the victim that they had seen someone trying to steal his car. Mr. Villar and several of his friends

left the party and caught Carrasquillo in the act of trying to steal the car. The group beat, robbed, and pistol-whipped Carrasquillo, and returned to the party after Carrasquillo escaped. People at the party saw that they had Carrasquillo's wallet and identification.

Carrasquillo went home, retrieved a shotgun and a .9mm handgun, and returned to Lawrence Avenue in search of Mr. Villar and his friends. Armed with the handgun and shotgun, Carrasquillo entered the house and ordered everyone at the party to stand up against the walls so that he could see if the person who had jumped him was in the room. Initially, he did not see Mr. Villar, and instead decided to rob the people in the room. As he was going around the room collecting their money and valuables, Mr. Villar came out of the bathroom. Carrasquillo saw him and shot him in the face with the shotgun. Carrasquillo fled amidst an exchange of gun fire, and stole Mr. Villar's car as he left the area. Several witnesses at the party identified Carrasquillo as the shooter.

Carrasquillo was shot in the leg during the exchange and was treated at Somerville Hospital. While he was being treated, Boston Police detectives arrived at the hospital to question him. At first he denied being present at the scene, but ultimately confessed to shooting Mr. Villar.

II. INSITUTIONAL HISTORY

Eliz Carrasquillo has incurred only three disciplinary reports during his incarceration. His most recent disciplinary report was on February 27, 2014, for possession of unauthorized printed material, for which he received a written reprimand. The prior two reports were for disobeying an order in 1998 and fighting with another inmate in 2002.

Carrasquillo receives positive housing and work evaluations. He has achieved his GED and has remained active in programming. He completed the Correctional Recovery Academy in 2006, the first cycle of Jericho Circle, multiple phases of Alternatives to Violence, including as a trainer and facilitator, Problem Solving and Thinking Skills, Fatherhood, and regularly attends AA and NA. He obtained a commercial driver's license and has worked as a Houseman in his unit since 2006. He has completed vocational programs in culinary arts and graphic arts.

III. PAROLE HEARING ON APRIL 24, 2014

Eliz Carrasquillo appeared for his initial parole hearing after having served 18 ½ years on his life sentence. Because of concurrent sentences, he has just become eligible for parole. Attorney John Rull represented him. Attorney Rull gave an opening statement in which he informed the Board that Carrasquillo is participating in the Correctional Recovery Academy for the second time, having completed it the first time in 2006. He also noted that Carrasquillo has completed four phases of Alternatives to Violence, participates in AA and NA, obtained a GED, and has developed culinary and graphic arts skills while incarcerated. Carrasquillo seeks to live with his wife and their son after a period of transition in lower security and a residential treatment program. The Board questioned Carrasquillo about his upbringing, criminal history, substance abuse, the murder, his prison record, his rehabilitation, and his proposed parole plan.

Carrasquillo provided information on his background. He was born in Puerto Rico and at age three moved with his mother to Boston where they lived in Mattapan. His mother moved

to Boston in order for her son to receive better medical care for "stomach issues." Carrasquillo reported that "my mother got me the medical care that cured the stomach problems. I went to English classes and learned English quickly. In Mattapan we were burglarized three times. The third time they took my Big Wheel. I was six. I went looking for the Big Wheel and I found the kid riding it. I punched him to get him off and I rode the Big Wheel home. When I got home, male friends of my mom's told me I did the right thing. I carried that lesson along in my life. I learned in my neighborhood that you have to stick up for yourself; don't be a victim."

He reported that he dropped out of high school in eleventh grade when he was 19. He described his lifestyle. "I hung on the streets with friends. I was out all night and slept all day. I started selling drugs, crack cocaine. I worked when I was in school, but I was not employed then. I sold drugs for pocket money to buy alcohol and weed. But I became more successful. I made several thousand dollars a week, but I never saved any money. I bought more cocaine to sell and spent the money on clothes, jewelry, weed, alcohol, and going to clubs. We moved to Somerville in 1992; that's when I purchased two guns, a 12 gauge shotgun and a 22 caliber handgun. It was the lifestyle I was leading; you have to protect yourself and your things. Carrying a gun gave me a false sense of security. I had pulled the gun out once before, when a guy threatened me with a bat. I did not have to fire the gun that time. My drug use increased; I was smoking more weed and drinking more alcohol. We got into fights with other neighborhoods when we were young. I was around gangs a lot. Two gangs tried to recruit me but I wanted no part of that. A lot of my friends were gang members. At 23, my life was spiraling out of control. I had a lot of stress, a lot of unresolved issues; I was drinking more alcohol. I was living with my girlfriend and our son. I was on unemployment. I did landscaping work but it was winter at the time of the murder. I wasn't dealing, but I was drinking heavily on weekends. My fiancée asked me to stop drinking and I did stop for two months or more. I went back to getting to drunk; I liked the feeling."

Carrasquillo informed the Board that he started drinking and smoking marijuana in the mid-afternoon of December 16, 1995. By the time of the murder shortly before 7:30 a.m. on December 17, he had been drinking heavily for many hours. Carrasquillo described for the Board consuming many beers and cognacs at several different locations through the night. He provided the following information about the murder. "We were at an after hours club. I was ready to go but Alberto, who I drove with, was not ready to leave. So I decided to steal a car to get home. I got a screwdriver from Alberto's car. I unlocked the Blazer and I got it started when I was set upon by six men. They tapped on the window with a gun and they forcefully pulled me out of the car. Santos Villar owned the Blazer and I apologized. Mr. Villar struck me over the head with the gun and the other men started hitting me. I fought them. I heard, 'Shoot him; shoot him.' I saw another man pointing a gun at me and he hit me with that gun twice. I went down dazed and they took my bracelet and wallet. I got up and fought again and then was able to run away. I ran home. I was angry and enraged. I decided, 'I'm not going to be a punk; I'm not going to let them get away with this.' I got my guns and took my cousin's car back to the scene. I stole the Blazer and drove it back to my house. I told Nestor, my brother, to come with me. We drove back and I parked the Blazer. Nestor had his own gun. I knocked on the door of the basement apartment. Lopez opened the door and I used my gun to make him get down. I had the shotgun in my right hand and the other gun in my left hand. There were about 15 men in the basement. I saw three guys who beat me and took my money and jewelry. I said, 'I want my money back; I'm not here to shoot anyone; I want my money back.' One of the men put some money on the bar and I took it. Then I saw Mr.

Villar coming out of the bathroom. I raised the shotgun and I fired at him. I was out of it. I heard gunfire and I knew I was hit. I ran out and I heard more gunshots. I was shot in the left hand and lower right thigh. Mr. Villar had a gun and I believe he shot me. I've never told anyone that Nestor was involved. He died in a car accident on July 15, 1999. This was the first time I fired the shotgun. I wasn't carrying guns at this time. I did carry when I was dealing. I had fired the handgun before, at signs or light posts but not at a person."

Carrasquillo reported that "during my incarceration I took advantage of programs, including the CRA [Correctional Recovery Academy], Jericho Circle, Alternatives to Violence, AA and NA, and Fatherhood programs. Board Members asked Carrasquillo details about his incarceration. He gave the following information. "I'm a recovered addict. I have been sober for 18 years and five months. I declined drugs in prison because I saw people using and how they acted. I have held a job throughout my incarceration. A turning point for me was in 2002. I was sent to the hole because of a fight on the basketball court; I retaliated when an inmate called me a 'bitch.' I had a phone call with my son, and he threw back in my face what I had told him, 'Don't let words hurt you; don't react to that; don't fight.' My son said, 'How are you going to come home and play Nintendo with me if you are fighting in prison?' That day was an awakening. I said to my son, 'You're right.' I saw my son grow up in front of me on visits. I stayed in touch with my son. I have changed my life around. I realize what my impulsive and destructive behavior caused."

Four family members and one friend testified in support of parole. Carrasquillo's son, age 20, testified that, "He always lets me know what is the right thing to do. He was honest and wise today. It's hard to be honest about these things and he was brave to be honest today." The inmate's mother, niece, and sister also testified. Suffolk Assistant District Attorney Charles Bartoloni spoke at the hearing. After listening to the inmate's testimony, ADA Bartoloni said, "He's made a lot of progress and there are a lot of positives, but a little bit of fine tuning is still necessary."

Attorney Rull gave a closing statement on behalf of Carrasquillo and emphasized that his client started to rehabilitate immediately upon coming to prison and has specifically worked to address his substance abuse and violent behavior.

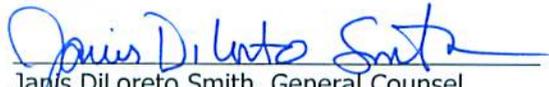
IV. DECISION

Eliz Carrasquillo has served 18 ½ years of his life sentence for the murder of Santos Villar. Unlike most inmates committed for life, he made immediate efforts at the outset of his incarceration to reform his character and improve his conduct. In 1999, he obtained a GED and started rehabilitative programming to address issues of violence, anger, and impulsive behavior. Those efforts succeeded, as he has only three disciplinary reports in prison. He has only one serious disciplinary report, which was for a fight in 2002. He has considerable substance abuse programming and reports that he has been sober throughout his incarceration. He is taking the CRA for a second time, which demonstrates steadfast commitment to sobriety. He has remained a father to a son who is now 20 years old and he successfully completed three fatherhood programs. Due to his efforts over the past 18 ½ years, Carrasquillo has successfully rehabilitated. He presents no current risk for violence.

The standard 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 an 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, the Parole Board concludes that Carrasquillo is a suitable candidate for parole. Parole is granted to a long term residential program after six months in lower security at the Department of Correction.

SPECIAL CONDITIONS: Parole to a long-term residential program after six months in lower security; no drug use; no alcohol use; AA/NA meetings three times per week with a sponsor; counseling for adjustment issues.

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.


Janis DiLoreto Smith, General Counsel

9/30/14
Date