



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**ISMAEL CINTRON**

**W55254**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** January 10, 2012

**DATE OF DECISION:** May 11, 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:** Re-Parole to out-of-state residence (under Interstate Compact) after successful completion of 12 months in lower security. During the additional period of incarceration, Mr. Cintron is required to maintain good conduct without disciplinary incident and to complete all programs and activities as recommended by the Department of Correction. The decision is unanimous.

**I. STATEMENT OF THE CASE**

Ismael Cintron was a 17 year-old member of the Latin Kings in Springfield in 1992. On September 13, Mr. Cintron encountered the victim, Arnaldo Esteras, age 16, on Main Street. The victim made a derogatory statement about the Latin Kings. Mr. Cintron reported the insult to leaders of the gang, who ordered retaliation. Later in the day, Mr. Cintron, accompanied by another Latin King, Hector Arriaga, approached the victim. Mr. Cintron was armed with a firearm. Mr. Cintron decided he could not shoot the victim, which led Mr. Arriaga to take the firearm from him. Mr. Arriaga fired multiple shots and killed the victim.

Mr. Cintron pled guilty to second-degree murder on September 13, 1992. Mr. Cintron agreed to testify against his co-defendants in exchange for the plea to second-degree murder. His co-defendant who fired the shots, Hector Arriaga, was convicted of first-degree murder.

Mr. Cintron did testify at the trial. Four other Latin Kings were also convicted (by plea or at trial) of accessory or conspiracy crimes.

This is Mr. Cintron's first adult incarceration. He did serve DYS commitments as a juvenile for larceny offences.

## **II. PAROLE AND INSTITUTIONAL HISTORY**

For his own safety, Mr. Cintron served much of his sentence out-of-state. Mr. Cintron's early behavior in prison was poor. It included an assault on an inmate that resulted in a criminal conviction for assault and battery with a sentence of 1.5 to 4 years to be served from and after the life sentence. His prison record showed remarkable improvement starting in 1999.

Mr. Cintron's initial parole hearing, in 2007, resulted in a denial. His second hearing, in July 2009, resulted in parole to serve the out-of-state sentence of 1.5 to 4 years and then be released to parole supervision. While serving the out-of-state sentence at a pre-release facility, Mr. Cintron received a disciplinary report that led to his parole revocation. On May 20, 2010, he left the building at 1:30 a.m. through a window, and met his wife in the woods adjacent to the facility's yard. He spent two hours in the woods and returned to the facility with a bag containing personal items. The rendezvous was discovered, and reported to the Massachusetts Parole Board. The inmate was paroled on the from and after sentence in February 2011; he was returned to Massachusetts where his parole was revoked on the life sentence.

## **III. FACTORS RELEVANT TO RE-PAROLE DECISION**

1. Mr. Cintron has made significant strides in self-development throughout the course of his incarceration.
2. While subject had a difficult initial period of incarceration, his overall disciplinary history since 1999 has been largely positive. Mr. Cintron became very program involved, receiving his GED while incarcerated and engaged in a host of rehabilitative programming, including Basic and Advanced Alternatives to Violence, Peer Education, Dealing with Stress, Anger Management, Victim Impact program, Substance Abuse Programming, Breaking the Cycle, Communication Skills, among others. Mr. Cintron's affiliation with the Latin Kings ended when he entered his plea agreement in 1993.
3. As noted in the 2009 Parole Decision, Mr. Cintron's institutional adjustment had improved dramatically in the previous ten years. He continued to avail himself of significant programming demonstrating his commitment to rehabilitation. Since that time Mr. Cintron has continued to prepare himself for re-integration to the community, completing additional programs.
4. Mr. Cintron developed computer skills while incarcerated, and he became a resource for computer issues in his facility. New Hampshire Parole's executive director appeared at Mr. Cintron's hearing to support parole by describing how Mr. Cintron assisted parole staff with computer issues. New Hampshire Parole's executive director stated his conclusion, based on his interactions with the inmate, that Mr. Cintron did not present a risk to re-offend and was deserving of parole.
5. Upon his revocation, Mr. Cintron continued to demonstrate a positive institutional adjustment and a commitment to continuously improve himself.

6. At his hearing Mr. Cintron presented as contrite, remorseful and with a greater appreciation for what is expected of him; he addressed the Board's concerns articulately, insightfully and intelligently.
7. He has a solid post-release plan, a positive attitude with respect to parole supervision and strong family and community support. Numerous people testified in support of his parole, including his wife, evidencing a robust support network.

#### **IV. DECISION**

Accordingly, it is the unanimous opinion of the Board that Mr. Cintron's re-parole is not incompatible with the welfare of society and that it is reasonably probable that he would not re-offend if released on parole. Mr. Cintron's overall adjustment demonstrates significant success with rehabilitation to the point that he does not present a risk for violence in the community. This decision includes conditions for transition and supervision designed to ensure a successful parole for Mr. Cintron.

**SPECIAL CONDITIONS:** Parole to New Hampshire under the Interstate Compact after inmate successfully completes twelve months of incarceration at lower security, with continued programming and no disciplinary reports; no drug use or alcohol use; substance abuse evaluation with requirement to follow recommended treatment plan; mental health evaluation with requirement to follow recommended treatment; curfew between 10:00 p.m. and 6:00 a.m. for the first year (parole officer has discretion to adjust hours for employment purposes); GPS electronic monitoring for minimum one year (and thereafter at discretion of parole officer); no contact with victim's family or co-defendants.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

  
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Caitlin E. Casey, Chief of Staff

  
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Date