



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSE RODRIGUEZ

W63370

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 12, 2011

DATE OF DECISION: April 9, 2012

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

DECISION OF THE BOARD: Release to ICE detainer (Dominican Republic) one year after hearing (July 12, 2012). The decision is unanimous.

I. STATEMENT OF THE CASE

Jose Rodriguez murdered Victor Paulino on Revere Beach on July 7, 1996. Rodriguez worked that night collecting cover charges at the Cache Club in Lynn. Mr. Paulino attempted to enter the club without paying the cover; Rodriguez stopped him and the men argued. After work, Rodriguez and Mr. Paulino both ended up at Kelly's Roast Beef on Revere Beach at 2:30 a.m. Rodriguez and Mr. Paulino exchanged words again, and agreed to a fight on the beach. Rodriguez pulled out a four-inch folding knife as he walked across the street to the beach. Upon arriving at the beach, Mr. Paulino threw a punch; Rodriguez threw his first blow with the knife in his hand. The knife landed in the victim's chest. Rodriguez fled in a car after inflicting the stab wound, but the car was stopped and Rodriguez was arrested shortly after the stabbing. Mr. Paulino died that night at Whidden Memorial Hospital.

A Suffolk County jury convicted Rodriguez of second-degree murder.

Rodriguez was 29 years old at the time of the murder. He had been in the United States for less than two years, during which time he married and worked three jobs (receiver at a shoe store; housekeeper at a hotel; doorman at the club). He does not have any other arrests in the United States and he denies any prior arrests in the Dominican Republic.

II. PAROLE HEARING ON JULY 12, 2011

This is the first parole hearing for Jose Rodriguez. Rodriguez provided details about his background and his reason for coming to the United States. He described growing up in the village of Moca with three sisters. His father was a merchant and his mother was a nurse; they owned their own home. He completed the 11th grade in the Dominican Republic; he worked starting at age 14. He operated one business that sold machine parts. He married and had children. He started a second business importing clothing that he sold to retailers in the Dominican Republic. That business was successful until he developed an alcohol problem. His wife died in a car accident. He lost the business due to alcoholism and increased competition. He came to the United States with the goal of working to make enough money to return to his home country and start another business.

Four family members spoke in support of parole. The family members established that Rodriguez grew up in middle class circumstances, his family members are law-abiding and successful, and his family will be able to provide significant support. Maria Rodriguez is the inmate's sister. She lives in Moca, Dominican Republic. She has a college degree in business management and works as a human resources manager in an export company. She explained that there is a family home in Moca where the inmate would live with his mother. Maria Mendez is the inmate's twin sister; she works as a corporate travel agent in New York. She discussed the family history and noted that there is not a history of violence. She described a large extended family whose members are law-abiding, hard-working, peaceable, and successful. Jose Rodriguez is the inmate's son. He is 22 years old, and came to live in Boston in 2008 for the purpose of studying and pursuing ballet; he described a positive relationship with his father. Catherine Mendez is the inmate's niece (she is the daughter of his twin sister); she is studying architecture as a college student in Boston; she described the extended family's support for her uncle. Elizabeth Brullon, also a niece, is a college senior in Massachusetts; she described the large extended family in the Dominican Republic who would be available to support Rodriguez's return to the community.

Rodriguez has only two disciplinary reports, both in 1998. He discussed those reports, his rehabilitation through programming, his remorse for the murder, and his plan for living in the Dominican Republic. Rodriguez showed well-developed insight into his behavior that led him to commit the offense and an understanding of how to avoid choices that lead to violence. The inmate has a history of active and successful program participation. He has used rehabilitation programs to address issues of anger, impulsive actions, and alcohol abuse.

Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition to parole. Mr. Bartoloni noted the inmate's positive institutional behavior but noted that 15 years may not be a sufficient period of punishment for the murder. No one else opposed parole.

III. DECISION

The Parole Board carefully evaluated Jose Rodriguez's family background, criminal history, employment history, conduct in committing the murder, institutional behavior, and rehabilitative programming. Rodriguez committed the murder in the context of mutual combat, he inflicted a single wound, and he has no other criminal history. His prison record has been very good, especially in the areas of following the rules and avoiding confrontation with other inmates. The murder involved anger and use of a weapon, but there are not other indications (in the community or in the institution) that Rodriguez has a history of rage or poor impulse control leading to violence. His likelihood of success on parole is increased by support from family members who have pursued education and professional employment. He has maintained good contact and relationships with those family members, and they will certainly be a positive factor in his re-entry. His likelihood of success is also enhanced by a solid and uninterrupted work history.

The Parole Board concludes, after careful analysis of all the facts, that the four goals of punishment have been met. After serving one additional year after the hearing (as required by this decision), he will have been sufficiently punished for his act of inflicting one stab wound in the midst of mutual combat; 16 years of incarceration is sufficient for punishment and deterrence based on the facts of the crime and the inmate's otherwise law abiding and productive activity in the community. Based on his history before the crime and his institutional compliance, the Board concludes that he does not need further incapacitation because his rehabilitation has reached a point where he can live safely in the community. His plan to return to the Dominican Republic, live with family in his home village, and resume his habits of employment and hard work, is likely to succeed. Special conditions are imposed in order to assist the inmate in maintaining sobriety. Rodriguez falls into that small category of inmates serving a life sentence who meet the legal standard for release at his first opportunity. It is reasonably probably that he will not commit a new offense if released and his release is compatible with the welfare of the community. The Parole Board will be releasing Rodriguez to ICE custody with the expectation that he will be deported, as requested by Rodriguez in order to effectuate his parole plan.

SPECIAL CONDITIONS: Approved home plan prior to release; no alcohol or drug use with testing required; substance abuse evaluation in the community, with requirement to follow treatment plan; AA three times per week; no contact with victim's family.

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

Josh Wall
Josh Wall, Chairman

April 9, 2012
Date