



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

ANGEL RIVERA

W65547

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 18, 2012

DATE OF DECISION: September 6, 2013

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Angel Rivera appeared before the Massachusetts Parole Board on September 18, 2012, for his initial parole eligibility hearing. On November 11, 1998, in Hampden Superior Court, Rivera pleaded guilty to second-degree murder and was sentenced to serve life in prison. He also pleaded guilty to armed robbery, for which he received a concurrent sentence of fifteen to twenty years. The victim of these offenses was Scott Wahab, age 43.

Angel Rivera, age 17, and his co-defendant, Abimael Llanos¹, were both members of the Latin Kings. On the night of the murder, August 31, 1997, they approached the car where Mr. Wahab was a passenger under the ruse of selling drugs. Instead, they intended to commit a robbery. Rivera was armed with a .357 handgun and Llanos was armed with a .9mm Intra Tech Mac-II.

¹ On October 10, 1998, Llanos was sentenced to concurrent terms of 15 to 20 years in prison for manslaughter and armed robbery. Parole was denied at his initial hearing in 2012.

The victim was seated in the back seat of the car, his girlfriend was the front seat passenger, and a female friend was driving. Rivera and Llanos directed the group to park on High Street in the City of Holyoke. Rivera entered the left rear door of the vehicle and Llanos entered via the right rear door, sandwiching the victim between them. They immediately demanded money from the victim and, shortly thereafter, Rivera shot the victim once in the lower abdomen. Rivera and Llanos fled from the scene and were arrested separately following an extensive investigation sometime after the crime. Mr. Wahab was transported to Baystate Medical Center in Springfield, where he died the next day. An autopsy determined that Mr. Wahab had died from a single gunshot to the abdomen area. The projectile removed from Mr. Wahab's body was consistent with a large caliber weapon, possibly a .357 caliber handgun.

II. CRIMINAL AND INSTITUTIONAL HISTORY

In addition to the murder and armed robbery convictions, Rivera's Board of Probation record also reflects an adult conviction for knowing receipt of stolen property, as well as juvenile commitments for: distribution of Class B and Class D substances, possession of a Class B substance, possession with intent to distribute a Class B substance, knowing receipt of a stolen vehicle, assault and battery on a police officer, assault and battery, disturbing the peace, shoplifting, larceny, and operating a motor vehicle to endanger lives and safety.

Rivera's institutional adjustment has been very poor. He has incurred a total of 42 disciplinary reports throughout his incarceration, many of which are related to violence and continued gang involvement. The Department of Correction lists Rivera as a disassociating member of the Latin Kings. In June 2005, Rivera received a disciplinary report while at Souza-Baranowski after the Department of Correction had confiscated a letter that he had authored in which he identified himself as holding a leadership role in the Latin Kings. The report noted that Rivera was supposedly in the process of disassociating from the gang at the time that the letter was written. Prior to that incident, in 2003, while incarcerated at MCI-Cedar Junction, Rivera received an institutional failure due to his corresponding with a female gang member at MCI-Framingham, for which he also received a disciplinary report and was removed from the STG program. This incident caused him to be returned to MCI-Cedar Junction. Rivera reported that he began the disassociation process approximately five years ago.

In 1999, Rivera and three other inmates were placed in the Special Management Unit for 30 days due to flooding cells (he did not receive a disciplinary report). Classification reports document that Rivera has been placed on administrative segregation on several occasions throughout his incarceration.

In addition to Rivera's disciplinary issues, his Classification Reports list numerous enemies. These interpersonal conflicts appear to be the result of Rivera's status with the Latin Kings, his engaging in prior physical altercations, and interactions with those who provided statements to police regarding the murder. In 2005, Rivera was scheduled to be sent to an out of state correctional facility due to his own safety concerns regarding the number of enemies he had as well as a division within the Latin Kings. However, prior to the transfer, Rivera requested and signed waivers regarding his documented enemies in order to avoid the out of state placement.

Rivera has minimal program involvement. He is currently unemployed, and not involved in any programming.

III. PAROLE HEARING ON SEPTEMBER 18, 2012

Angel Rivera appeared before the Parole Board on September 18, 2012, for his initial parole hearing. While he stated that he wished to take responsibility for his crime in his brief opening, he offered no apology or any expression of remorse. A Board Member later pointed out that he barely acknowledged the victim, and any regret appeared to be more about his plight than the harm he had caused.

Upon questioning by the Board, Rivera admitted to his criminal behavior and his ascending position of leadership within the Latin Kings. He acknowledged that his position of leadership only increased "when I got locked up." The issue of his gang activity within the institution was raised by Board Members, specifically his failure to renounce and disassociate with the Latin Kings. Rivera's claims that he attempted to renounce gang membership were unconvincing. He stated "I have been renouncing." A Board Member pointed out that he had been terminated from the renouncement process when he received a disciplinary report in 2003 for gang-related correspondence to an inmate at MCI Framingham.

Board Members also asked Rivera about his 42 disciplinary reports. He explained that his negative behavior was due to his young age and transition into prison, stating "I was scared and didn't know what to do," and "I did what I had to do to survive." Board Members noted that his negative behavior and gang involvement had not abated, and that many of his disciplinary reports had nothing to do with concerns for his safety.

In describing the shooting of Mr. Wahab, Rivera said that the victim was "struggling" with his co-defendant. This version of events was disputed by the other eyewitnesses who stated that there was no struggle and that the victim was shot very shortly after the assailants had entered the vehicle. Pressed further by a different Board Member, he finally acknowledged that there was no struggle.

Rivera was asked directly why he believed that he was a good candidate for parole and he responded, "I don't expect to get parole, since I was incarcerated I have not had a positive institutional adjustment, but I come here for you to consider me for the future." The Board questioned Rivera regarding the basis for his numerous appeals and motions following his guilty plea, Rivera admitted that his appeals were not based on meritorious arguments. Upon being asked whether he believed he was mentally ill or didn't understand his plea, which was a claim he had made, he answered "No," going on to explain "I wanted to reduce my sentence."

No one testified in support of Rivera's request for parole. Hampden County Assistant District Attorney Dianne Dillon testified in opposition

IV. DECISION

Angel Rivera robbed and murdered Scott Wahab. Rivera has continued his leadership role in the Latin Kings through much of his incarceration. He has made some unsuccessful or insincere attempts to disassociate from the Latin Kings. His current gang status is unclear. He

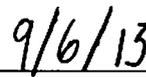
has a very poor disciplinary record. He is unemployed and un-enrolled in programs. Rivera has not demonstrated that he is interested in rehabilitation or earning parole.

The standard for parole is set out in 120 CMR 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 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 here, the Board concludes that Angel Rivera is not a suitable candidate for parole. The review will be in five years.

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.



Caitlin E. Casey, Chief of Staff



Date