



The Commonwealth of Massachusetts  
Executive Office of Public Safety



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**DECISION**

**IN THE MATTER OF**

**ANTONIO RIVERA**

**W39837**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** November 1, 2011

**DATE OF DECISION:** April 24, 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. The next hearing will be in November of 2016.

**I. STATEMENT OF THE CASE**

On July 12, 1983, Antonio Rivera pleaded guilty to the second degree murder of 16-year-old Rodney Cotto and was sentenced to serve life in prison. Mr. Rivera also pleaded guilty to heroin trafficking and unlawful possession of firearms and received a concurrent sentence of 15 to 20 years. Mr. Rivera appeared before the parole board for a review hearing on November 1, 2011. It was his fourth appearance before the Board. In 2008, Mr. Rivera applied for Executive Clemency, but was denied.

On January 9, 1982, Mr. Rivera, a high-level drug trafficker, stabbed Mr. Cotto in the chest in Springfield. Mr. Cotto stumbled into a convenience store and died a short time later. Mr. Rivera was arrested on January 11 following a high speed chase. Police recovered a loaded .38 caliber revolver, a loaded .22 caliber pistol with a silencer, one hundred packets of heroin, drug paraphernalia, and a bank passbook indicating \$42,000 in a bank in Puerto Rico under his wife's name from his vehicle.

## **II. PAROLE HEARING ON NOVEMBER 1, 2011**

Antonio Rivera testified with the assistance of a Spanish interpreter. He was represented by Northeastern Law School student attorney Jennifer Chu. He has only one disciplinary report, which he received in 2004 and resulted in termination from his institutional employment. He is currently unemployed. He has completed numerous programs since his last hearing, including the Correctional Recovery Academy, Alternatives to Violence, Emotional Awareness, and Smart Recovery. Most of the programs were in English, so it is uncertain how much information Mr. Rivera understood and retained. A Board Member pointed out that Mr. Rivera had "minimal programming until recently."

Mr. Rivera's situation is complicated by over 25 years of incarceration in which he did not make much effort towards rehabilitation, as demonstrated at his parole hearings. After his first parole hearing in 1996, the Board noted that Mr. Rivera "takes no responsibility for the crime and displays little remorse." The Board also documented that Mr. Rivera had not participated in much rehabilitative work. Mr. Rivera lied to the Parole Board in describing the crime; he falsely claimed that the victim came at him with a knife and that Mr. Rivera was able to grab the victim's knife and use it to defend himself. That fabricated story demonstrated that Mr. Rivera had made no progress towards rehabilitation in his first 15 years of incarceration.

At his second parole hearing in 2001, Mr. Rivera revised his lie. This time he said he heard a neighbor yell "robbery," and that he ran into the hall to assist. In the hall he was confronted by a group of four men, so he used his knife to scare one of the men and accidentally struck the victim. He told a similar story at his 2006 parole hearing.

At this hearing, Mr. Rivera said he went into the hallway to confront a group of men because one of his drug customers came to his apartment and said the men had robbed him. The four men, who he thought were gang members, surrounded him in the hall. After a brief discussion, he lunged at the victim and stabbed him once. Mr. Rivera acknowledged that his version of events has changed over the years. Because of Mr. Rivera's history of dishonesty, it is hard to know which part of his story is accurate. Suffice it to say that his lying at previous hearings has been a marker for lack of rehabilitation, and has been a significant contributing factor to his parole denials.

Mr. Rivera showed at this hearing how difficult it is for him to be truthful in his testimony. He minimized his drug dealing, despite the fact that he has admitted at a previous hearing that he was a major drug dealer in Springfield. When arrested for the murder, he had over 100 bags of heroin, over \$40,000 in the bank, and three firearms with him in his car. When questioned at this hearing about his claim to have been a petty drug dealer, he admitted that he had several people working for him and that his operation sold 500 bags of heroin a week.

Mr. Rivera escaped from Bridgewater State Hospital in 1983, and was found in Illinois. He was sent to Bridgewater because he refused to speak to his defense lawyer. The District Attorney maintained that Mr. Rivera was faking a mental illness. Mr. Rivera has prior crimes in New York, and he escaped from a New York prison in 1971.

**III. DECISION**

Antonio Rivera made a choice not to work towards rehabilitation; he stuck with that choice for 25 years of incarceration. He did not actively participate in programs and his lack of reform was manifested in deliberately false testimony at his parole hearings. More recently, Mr. Rivera has become very active in program participation. He is on a better track, but rehabilitation after all these years is not achieved in a short period of time.

The standard we apply in assessing candidates 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 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 finds that Mr. Rivera is not a suitable candidate for parole at this time. Accordingly, parole is denied. The review will be in five years, during which time Mr. Rivera should maintain good conduct, obtain employment, and participate in meaningful rehabilitative programs.

*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.*

Josh Wall  
Josh Wall, Chairman

April 24, 2013  
Date