



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD
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DECISION

IN THE MATTER OF

TOMAS RIVERA

W39976

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 11, 2012

DATE OF DECISION: April 30, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, 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 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 not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

On September 28, 1983, in Hampden Superior Court, Mr. Rivera was convicted by a jury and sentenced to serve life in prison for the rape of a child, 15-year-old Jane Doe¹, by force. That same day, Mr. Rivera received a concurrent life sentence for one count of armed robbery; an 8 to 10 year sentence for assault and battery by means of a dangerous weapon; an 8 to 10 year sentence for kidnapping; and a three to five year sentence for indecent assault and battery on a person over the age of 14. All these crimes were committed during the attack on Jane Doe.

On April 18, 1983, at approximately 9:00 p.m., Mr. Rivera attacked Ms. Doe while she was walking to her home. He put a knife to her throat, robbed her of ten cents, dragged her across the street, and pushed her to the ground behind some bushes. He held the knife to her

¹ A pseudonym. G.L. c. 265, § 24C.

throat and threatened to kill her if she screamed. He then raped her twice and attempted to sodomize her before releasing her.

A short time after the attack, the Springfield Police Department apprehended Mr. Rivera as he hid on the roof of a garage. Ms. Doe positively identified him as the man who had raped her. Mr. Rivera maintains that he did not commit these offenses.

II. INSTITUTIONAL HISTORY

Mr. Rivera's institutional conduct has been very poor, resulting in eight returns to higher security and approximately 166 disciplinary infractions. Significant disciplinary infractions include sexually assaulting a female correction officer, assaulting staff and inmates, setting a fire, throwing feces at staff, possession of a weapon, encouraging riots, and threatening staff.

Mr. Rivera's programming is limited. He successfully completed Phase II of the Sex Offender Treatment Program (SOTP), but has not moved on to the next phase. In addition, he has participated in Narcotics and Alcoholics Anonymous, Adult Basic Education, GED courses, and religious services. He has not engaged in any programming during the past five years.

III. PAROLE HEARING DECEMBER 11, 2012

Mr. Rivera first appeared before the Parole Board in 1998, and parole was denied with a review in five years. In denying parole, the Board cited the severity of the governing offense, which Mr. Rivera continues to deny, as well as his poor institutional conduct and limited program participation. He waived his scheduled appearances before the Board in 2002 and 2007.

Mr. Rivera's current parole plan is limited. He seeks parole to a residential treatment program. He has no local community support and stated during the hearing that he had lost all ties to his family in 2008. He indicated, however, that he may be able to reside with one of his sisters in Florida.

Mr. Rivera's presentation before the Board was poor and he offered no convincing evidence of rehabilitation. Mr. Rivera continues to deny the offense for which he was convicted and declines continued participation in sex offender treatment. Mr. Rivera remained guarded throughout the hearing, providing the Board with little insight into his inability to conform his behavior to the rules and regulations of society, as evidenced by a life-long history of violent and reckless behavior. Finally, the Board noted his negative demeanor throughout the hearing.

Hampden Assistant District Attorney Dianne Dillon voiced strong opposition to parole. There were no supporters in attendance.

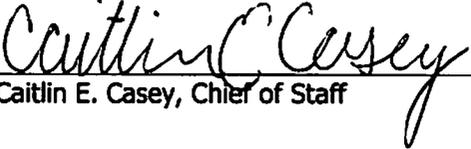
IV. DECISION

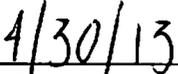
Tomas Rivera brutally raped and attempted to sodomize a 15-year-old child at knifepoint while she was walking home. He has no appreciation for the severity of his crimes or the trauma that he caused to this child. During his incarceration, he has committed himself to violent and disruptive behavior. Further, his institutional programming is limited and, for the

past five years, he has failed to engage in any programming to better himself or gain insight into his behaviors. Finally, he has virtually no community support to assist him with any reintegration into society. Considering these factors, the Board concludes that Mr. Hill is not rehabilitated. He would be likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, parole is denied with a review in five years.

Mr. Rivera is encouraged to think critically about the behavior that led to his incarceration, to improve his institutional behavior, to participate in meaningful programming, and to engage in activities that will promote his rehabilitation.

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 each member of the Board has reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Caitlin E. Casey, Chief of Staff


Date