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Josh Wall
Chairman

DECISION

IN THE MATTER OF

HECTOR RUIZ

W63878

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: November 20, 2012

DATE OF DECISION: July 25, 2013

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

DECISION OF THE BOARD: Parole to a long term residential program after 18 months at the Department of Correction, with at least 12 months of that time in lower security for the purpose of transition. The remaining period of incarceration must be completed without disciplinary incident and in compliance with the Department of Correction's expectations for programs, activities, and employment. The decision is unanimous.

I. STATEMENT OF THE CASE

Hector Ruiz appeared before the Massachusetts Parole Board for an initial hearing on the life sentence he is currently serving at Bridgewater State Hospital. Ruiz received this sentence in Hampden Superior Court on December 31, 1997, after pleading guilty to second-degree murder in the shooting death of 19-year-old Miguel Rivas in Springfield. On that same day, Ruiz also pleaded guilty to a related charge of possession of a firearm and was sentenced to 1,037 days, deemed served. Ruiz's sentence for the murder was made effective on the date of the plea.

On February 25, 1995, after snorting heroin and drinking beer, Hector Ruiz (age 16), Luis Torres and Justin Orwat, as members of the Neta gang, decided to arm themselves with a gun and complete a "mission" against a rival gang, La Familia.¹ They noticed a young man enter a pizza shop who they believed was a member of La Familia. Ruiz and Torres followed

¹ Luis Torres was convicted of second-degree murder, sentenced to serve life in prison, and was granted parole in 2010. Justin Orwat was convicted of manslaughter and was sentenced to serve ten to 15 years in prison.

him into the shop and Ruiz asked the victim "who do you represent?" The victim did not respond, took a few steps back, and attempted to flee to the back of the store. Ruiz chased him and began shooting at him with a nine millimeter pistol. When the victim fell to the ground, about two to three feet from Ruiz, he shot him again. Miguel Rivas died as a result of gunshot wounds to the chest and upper torso.

A number of patrons and employees of the pizza shop witnessed the shooting and provided information to police. Ruiz was arrested by the Springfield Police three days later.

II. PAROLE HEARING ON NOVEMBER 20, 2012

Hector Ruiz admitted that he shot Miguel Rivas, whom he did not know but believed to be a rival gang member. He stated that he had been a member of the Neta gang for approximately five months. He and other gang members snorted heroin and drank beer before the murder. He said that his drug addiction involved daily use of heroin and alcohol at that time. He described a family life devoid of stability and support due to his father's substance addictions and abusive behavior.

He grew up in Puerto Rico and was selling drugs by the age of 14. He spent six months in a juvenile facility in Puerto Rico, where he first became involved with Neta. He came, at age 16, to live with his father in Holyoke in 1994. He soon met local members of Neta and resumed gang activity and drug selling. His father had encouraged him to join a gang by stating it was a necessity to join one of the groups for protection. Ruiz moved in with older gang members and became involved in disputes with other gangs. On the evening of the murder, Neta members in Springfield asked Holyoke members to assist in retaliating against La Familia. Ruiz, accompanied by two older gang members, committed the murder with that motive.

Ruiz admitted the murder in his statement to police. He said he pleaded guilty "because I did it." He was incarcerated at a juvenile facility for three years. Upon transfer to the Department of Correction in 1998, he was assaulted by La Familia members and stabbed three times. He renounced membership in Neta in 1998 and completed the DOC's gang renunciation program in 2001. He has ten disciplinary reports and no returns to higher custody. His reports include fights in 2000 and 2004, and non-violent disciplinary reports in 2005, 2007, and 2011. He has no disciplinary reports related to substance abuse.

He works in the Health Services Unit. He did not speak English when he began the sentence, but now communicates easily in English. He has actively participated in GED classes and said he is determined to obtain his GED.

Ruiz has addressed his substance abuse by attending AA/NA regularly and completing the Correctional Recovery Academy. He has addressed anger and violence by participating in Anger Management Therapy Group (24 weeks) and Alternatives to Violence (five phases, including two as a facilitator). His other rehabilitative work includes Emotional Awareness, ABLE Minds, Problem Solving, and Jericho Circle. He participates in Toastmasters and Nuestra Familia.

The inmate was represented by Josie Duffy and Michael Redding, student attorneys from the Harvard Prison Legal Assistance Project. The inmate's sister, Luisa Ruiz testified in support of parole. Miguel Rivas' mother, Julia Torres, and sister, Julies Rivas, testified in opposition to parole. Hampden Assistant District Attorney Howard Safford testified in opposition to parole.

III. DECISION

Hector Ruiz, as a 16-year-old gang member, shot and killed Miguel Rivas. Ruiz has been incarcerated for 18 years and has used his time productively. He renounced membership in Neta 15 years ago and completed the Department of Correction renunciation requirements in 2001. This was an exceptional early rehabilitative step for a young person who did not have positive community and family supports. Ruiz's disciplinary record documents increasing self-control, compliance with rules, and cooperative conduct. He has actively participated in rehabilitative programs and has focused on violence reduction and substance abuse issues. He has been consistently employed and has maintained sobriety. Ruiz made an early commitment to rehabilitation, he has a long record of improving behavior and productive activity, and his program participation targets the critical factors for his rehabilitation. Based upon all these factors, the Parole Board concludes that the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – will have been met once Ruiz completes the requirements of this decision. He will have served approximately twenty years for the crime, during which time he reformed his behavior and character.

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. Ruiz is a suitable candidate for parole. Parole is granted after Mr. Ruiz successfully completes 18 months at the Department of Correction, with at least 12 months in lower security for the purpose of transition.

SPECIAL CONDITIONS: Parole to a long term residential program after 18 months, with at least 12 months in lower security; no drug use; no alcohol use; substance abuse evaluation and follow recommended treatment, including AA or NA at least 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. 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

7/25/13
Date