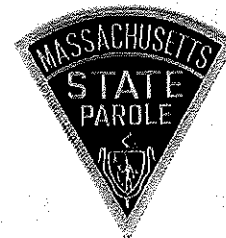


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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DECISION

IN THE MATTER OF

ALEXANDER RODRIGUEZ

W68242

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 15, 2018

DATE OF DECISION: March 28, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On June 12, 2000, in Worcester Superior Court, Alexander Rodriguez pleaded guilty to the second degree murder of 46-year-old James McCormack and was sentenced to life in prison with the possibility of parole. On that same day, he also pleaded guilty to armed robbery while masked and unarmed robbery. He received a sentence of 7 to 10 years for armed robbery while masked and 7 to 10 years for unarmed robbery. These sentences were ordered to run concurrent to his life sentence. The armed robbery conviction stemmed from a robbery at a Texaco Gas Station in Worcester on June 26, 1999.

On June 29, 1999, at approximately 1:40 a.m., 19-year-old Alexander Rodriguez and his four co-defendants robbed an XTRA Mart gas station in Sutton. Video from the robbery showed that Mr. Rodriguez shot James McCormick, the clerk at XTRA Mart. Mr. McCormick was transported to Saint Vincent Hospital, where he was later pronounced dead. Before he died,

Mr. McCormick was able to identify three of his assailants, including Mr. Rodriguez. Mr. Rodriguez and his co-conspirators were arrested on July 9, 1999.

II. PAROLE HEARING ON MAY 15, 2018

Alexander Rodriguez, now 38-years-old, appeared before the Parole Board for a review hearing on May 15, 2018. He was not represented by an attorney. Mr. Rodriguez was denied parole after his initial hearing in 2014. In his opening statement to the Board, Mr. Rodriguez explained that he is deeply ashamed of his criminal behavior and extremely sorry for the pain he caused to the families and friends affected by his crimes.

The Board noted that Mr. Rodriguez has a criminal history dating back to when he was 9-years-old. Mr. Rodriguez admitted that he committed crimes, including the burning down of an abandoned building, to get the attention that he lacked at home, where his mother was not around much. Mr. Rodriguez explained that he acted out because he was angry at being sexually assaulted at the ages of 5 and 7. Mr. Rodriguez told the Board that, through programs like Jericho Circle, he has been able to address how these incidents have affected him. However, when the Board questioned Mr. Rodriguez about his conviction (at age 13) for sexually assaulting his 9-year-old cousin, he denied the assault. He added that he refused to participate in the Sexual Offender Treatment Program (SOTP), as the Board had suggested at his last hearing, because the program asks participants to share their "story" and, he claims, he has no "story."

The Board questioned Mr. Rodriguez as to the underlying events in the murder of Mr. McCormick in 1999. Mr. Rodriguez explained that after he finished high school, he was "hanging out with no plans and no direction, just going to parties, getting into fights" and robbing people at gunpoint. Mr. Rodriguez said that he planned to rob the XTRA Mart alone, but his friends spontaneously joined him in the robbery. During the robbery, a fight broke out between Mr. McCormick and one of Mr. Rodriguez's accomplices and it "got out of hand." Mr. Rodriguez claimed that the situation was chaotic. He panicked and shot Mr. McCormick.

The Board questioned Mr. Rodriguez as to his program involvement. Mr. Rodriguez believes Jericho Circle to be the most valuable program, as it helped him look at his "inner-child" and begin the healing process. Mr. Rodriguez explained that Criminal Thinking and Emotional Awareness, as well as his involvement in religious services, helped him with mindfulness and compassion for others. Mr. Rodriguez told the Board that as part of his parole plan, he could enter a long-term residential program, obtain mental health counseling, and eventually move to Millis with the help and support of Bethany House Ministries, a faith-based program that provides housing, job placement, and referrals for counseling. Mr. Rodriguez claims to have resolved issues with his mother and could rely on her, an aunt, and a friend for community support, in addition to support from the church. He expects to find a job working with metals, but says he would take any job he could get.

Mr. Rodriguez's mother, aunt, and cousin attended the hearing in support of parole. Sutton Police Chief Dennis Towle and Sutton Police Chief (Ret.) John Herbert testified in opposition to parole. Worcester County Assistant District Attorney Michelle King testified in opposition to parole and submitted a letter, as well.

III. DECISION

The Board is of the opinion that Alexander Rodriguez has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Rodriguez should engage in the Sex Offenders Treatment Program (SOTP) to further invest in his rehabilitation. The Board considered the Commonwealth's findings of fact, rulings of law, and order on juvenile's motion to withdraw plea and for a new trial in their decision.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Rodriguez's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Rodriguez's risk of recidivism. After applying this standard to the circumstances of Mr. Rodriguez's case, the Board is of the unanimous opinion that Alexander Rodriguez is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Rodriguez's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Rodriguez to continue working towards his full 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 all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.



Shara Benedetti, Acting General Counsel

3/28/19

Date