

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ANGEL RIVERA
W65547

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **July 23, 2019**

DATE OF DECISION: **March 26, 2020**

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On November 11, 1998, in Hampden Superior Court, Angel Rivera pleaded guilty to the second-degree murder of Scott Wahab. He was sentenced to life imprisonment with the possibility of parole. That same day, he also pleaded guilty to armed robbery. Mr. Rivera was sentenced to a concurrent term of fifteen to twenty years. Mr. Rivera was 17-years-old at the time of the offense.

Mr. Rivera appeared before the Parole Board for a review hearing on July 23, 2019 and was represented by Attorney Deborah Beard-Bader. This was Mr. Rivera's second appearance before the Board, having been denied parole in 2012 and postponing his 2017 review hearing. The entire video recording of Mr. Rivera's July 23, 2019 hearing is fully incorporated by reference to the Board's decision.

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 a suitable candidate for parole. Reserve to Long Term Residential Program but not before completion of the barber program and 18 months in lower security. Mr. Rivera has served almost 22 years for murdering Scott Wahab. Since his last hearing, he has completed numerous programs to address his causative factors and his disassociation from [a Security Threat Group] was accepted by the Department of Correction. Release after a gradual transition meets the legal standard. He must remain program-compliant, coupled with a positive adjustment. He must remain disciplinary report-free.

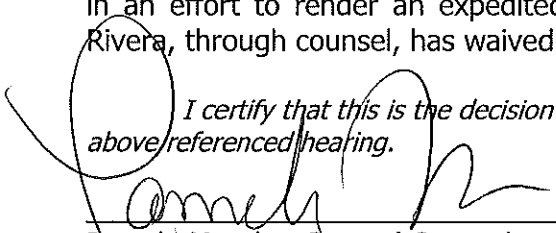
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

In forming this opinion, the Board has taken into consideration Mr. Rivera'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. Rivera's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Rivera's case, the Board is of the unanimous opinion that Mr. Rivera is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program for no less than six months; Waive work for LTRP; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Must take prescribed medication; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact or association with co-defendant; No contact with victim's family; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week; Full intake AISS – Worcester if he paroles to the city.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Rivera, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Pamela Murphy, General Counsel


Date