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Executive Office of Public Safety

PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

ANGEL RIVERA

W52968

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 18, 2012

DATE OF DECISION: April 11, 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

Between September and November of 1990, Mr. Rivera committed a series of vicious sexual assaults¹ and armed robberies in the Lawrence area. These attacks were committed on ten different victims who ranged in age from 2 to 34. On January 14, 1993, in Essex Superior Court, Mr. Rivera pleaded guilty to these crimes and was sentenced to serve concurrent terms of life in prison for five counts of aggravated rape, two counts of rape of a child, and five counts of armed robbery. He was also sentenced to serve concurrent terms of three to five years for seven counts of assault by means of a dangerous weapon, nine to ten years for two counts of assault and battery by means of a dangerous weapon, eighteen to twenty years for three counts of armed assault with intent to murder, eighteen to twenty years for armed assault with intent to rob, and nine to twelve years for two counts of armed robbery.

¹ To protect their privacy, sexual assault victims will be referred to by their initials. G.L. c. 265, § 24C.

On September 15, 1990, at 10:30 p.m., Mr. Rivera approached 34-year-old A.R. as she walked through a park in Lawrence. He brandished a knife and forced her to a secluded area where he made her perform fellatio on him and robbed her of jewelry.

On October 15, 1990, at 8:30 p.m., 13-year-old D.R. and 14-year-old C.C. were walking along Parker Street in Lawrence when Mr. Rivera ran toward them, fired two shots in the air, and demanded their gold jewelry and money. The girls surrendered their jewelry. He then forced them to a secluded area, swore at them, and said he wanted them to masturbate him. When they refused, he fired another shot in the air, threatened to kill them, and told them that he was a member of a Boston gang. D.R. masturbated him and he told her to keep her head down or she would be shot. He then demanded that C.C. masturbate him, and she put her hand on his penis. When he demanded fellatio, both girls refused. After he fired another two shots, one (and possibly both) girl(s) acceded to his demands. He removed C.C.'s pants, forced her to her hands and knees, and vaginally raped her. Before he fled, he threatened that he would shoot the girls if they looked at him.

On October 22, 1990, at around 11:30 p.m., Mr. Rivera approached 20-year-old L.R. in the North Lawrence Common, brandished a 10" hunting knife, and forced her to a secluded area. He robbed her of her jewelry and raped her vaginally. A month later, on November 17, 1990, L.R. and her husband Jorge were walking along Maple Street in Lawrence when they encountered Mr. Rivera, who had yet to be apprehended. Mr. Rivera pointed a gun and fired shots at them. Before fleeing, he said to them, "That's right. It's me. What are you going to do about it?"

On November 13, 1990, around 5:30 p.m., 16-year-old N.B. was walking along Oak Street in Lawrence when Mr. Rivera approached her from behind. He displayed a hunting knife, pulled her arm, and told her to go with him or he would kill her. He stated, "I've done it before and I'll do it again." He swore at her in Spanish and English, and forced her to perform fellatio on him. He then commanded her to remove her pants and get down on all fours. He raped her vaginally while holding a knife to her. Her thumb was cut during the episode. Prior to fleeing, he took her gold bracelet and ten dollars.

Finally, on November 19, 1990, around 6:00 p.m., Mr. Rivera and three other males approached 26-year-old W.C. who was seated in the driver's seat of a parked car in Lawrence. Her two year old child was also in the car. Mr. Rivera pointed a handgun at her with the intention of robbing her. As she attempted to drive away, he fired three shots into the car, striking her in the neck just a fraction of an inch from her spine.

II. INSTITUTIONAL HISTORY

Mr. Rivera's institutional conduct has been very poor. He has had seven returns to higher security and approximately 60 disciplinary infractions, including several group assault violations, threatening staff, possession of weapons, fighting, Security Threat Group (STG) activity, and sexual misconduct. In 1994, he was transferred to Rhode Island due to security concerns because of his conduct and extensive enemy issues, but was returned to Massachusetts just 10 months later due to his violent and disruptive behavior. While he was housed in Rhode Island, a report indicated that he had admitted to organizing the Latin Brotherhood. In addition, the Department of Correction's Inmate Management System identifies

Mr. Rivera as a permanent member of Latin Kings, a suspected member of Licensed to Steal, and a terminated member of the Gangster Disciples.

Mr. Rivera's programming commenced in 2003, and he earned the following program certificates: STG Programming, Criminal Thinking and Anger Management; Correctional Recovery Academy (CRA); and Alternatives to Violence - Basic Course in Nonviolent Conflict Resolution; and Transition Planning Program. In addition, Mr. Rivera has participated in Alcoholics Anonymous, Catholic services, CRA mentorship program, the Sampson Unit STG program, the Spectrum Criminal Sentiment Program, art classes and computer classes. Mr. Rivera has participated in General Equivalency Diploma (GED) classes, but did not receive his GED. Mr. Rivera has successfully completed the Sex Offender Treatment Program (SOTP)-Pre-Treatment Workbook, SOTP-Pre-Treatment, and Psycho-Education, but he was terminated from the program on three separate occasions and once declined participation in May of 2006. In January of 2006, he was terminated from programming for making inappropriate statements about female staff members coupled with an incident involving his physical interaction with another inmate. In October of 2009, Mr. Rivera was terminated from treatment for engaging in a physical altercation with another inmate and, in May of 2011, he was terminated for assaulting another inmate.

Mr. Rivera is not currently employed but has worked in the kitchen and as a runner.

III. PAROLE HEARING DECEMBER 18, 2012

This is Mr. Rivera's second appearance before the Parole Board. At his first hearing, the Board denied parole with a review in five years citing his problematic behavior while incarcerated as well as the severity and number of his crimes. At that hearing, Mr. Rivera candidly admitted that he was not ready to be paroled. Now, Mr. Rivera seeks parole to a halfway house, although he has yet to identify viable programs for consideration and acknowledges the difficulty in obtaining such placement due to his status as a sex offender. As an alternative, he indicated that he may be able to reside with his sister in Haverhill.

During the hearing, the Board expressed concern about Mr. Rivera's level of insight into his criminal behavior and his continued display of anti-social behavior within the correctional system. He reflected upon his issues related to anger and his propensity for violence that has plagued him throughout his life. Mr. Rivera provided the Board with a detailed account of his heinous crime spree, but failed to provide evidence that he is a suitable candidate for parole. Mr. Rivera acknowledged his disciplinary reports, his lack of programming, and his inability to successfully complete the SOTP. The Board noted that, since his last hearing, he has accrued approximately 10 additional disciplinary reports, has completed only one program in 2012, and has been terminated from the SOTP on three separate occasions.

Essex Assistant District Attorney Philip Mallard spoke in opposition to parole, stating that the numerous concurrent life sentences have not achieved the desired effects. Mr. Rivera had several supporters in attendance.

IV. DECISION

Angel Rivera committed a series of extraordinarily violent and predatory sexual assaults. He terrorized the Lawrence community and victimized ten people, including a two year old child, on eight separate occasions over the span of just a few months. Three of his rape victims were 16 years old or younger. Mr. Rivera's institutional conduct has been problematic and demonstrates his continued propensity for violent and antisocial behavior. He has not completed Sex Offender Treatment and has been terminated from the program three times. Considering these factors, the Board concludes that Mr. Rivera 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.

The Board encourages Mr. Rivera to continue and complete Sex Offender Treatment, think critically about his institutional conduct, and engage in positive programming.

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.


Janis DiLoreto Noble, General Counsel

4/12/13
Date