

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

**ANIBAL IZQUIERDO
W87143**

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: December 3, 2020
DATE OF DECISION: October 21, 2021

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

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 two years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 14, 2003, Anibal Izquierdo pleaded guilty in Hampden Superior Court to the charges of second-degree murder in the death of Myriam Miranda and assault by means of a dangerous weapon. He was sentenced to a term of life with the possibility of parole to run from and after a two to three-year sentence for assault by means of a dangerous weapon. Two additional counts of assault by means of a dangerous weapon and one count of unlawful possession of a firearm were filed. Mr. Izquierdo was discharged from his two to three-year sentence on February 16, 2006, at which time his life sentence commenced.

One February 19, 2003, Anibal Izquierdo and his co-defendants, Carlos Kuilan and Jetender Singh, were involved in an altercation with Luis Rivera outside of 222 East Dwight Street, Holyoke. Mr. Rivera's mother, Myriam Miranda, was present outside the home, as were several of her other children. Mr. Rivera and Mr. Singh engaged in a one-on-one physical altercation. When the altercation was over, Mr. Izquierdo, Mr. Kuilan, and Mr. Singh returned

to their vehicle, and Mr. Rivera and his mother began to return to the residence. Mr. Izquierdo then fired shots in Mr. Rivera's direction. The bullets struck Myriam Miranda in the abdomen, killing her.

II. PAROLE HEARING ON DECEMBER 3, 2020

Anibal Izquierdo, now 35-years-old, appeared before the Parole Board for an initial hearing on December 3, 2020. He was represented by Attorney Stephen Weymouth. In his opening statement to the Board, Mr. Izquierdo accepted responsibility for the governing offense and apologized to the victim's family and community for the effects of his actions. Mr. Izquierdo explained that neglect in his childhood led to struggles with anger management and substance abuse, both of which he has been working to address.

The Board questioned Mr. Izquierdo, who was 17-years-old at the time of the offense, as to the underlying events leading to the death of Ms. Miranda. Mr. Izquierdo reported that he began using alcohol, marijuana, and cocaine approximately six months prior to the murder. On the day of the governing offense, Mr. Izquierdo and several others were present at his mother's residence, using drugs and drinking alcohol. He reported that a co-defendant received several phone calls from Ms. Miranda's son, Luis Rivera. At the time, Mr. Izquierdo believed that his former girlfriend, who had broken up with him approximately six months prior, was dating one of Mr. Rivera's siblings. He became agitated and grabbed the phone, threatening to shoot Mr. Rivera. Eventually, after subsequent calls, he, Carlos Kuilan, and Jetender Singh traveled to Mr. Rivera's residence to discuss a resolution to the dispute. Upon questioning by the Board, Mr. Izquierdo stated that the dispute between Mr. Singh and Mr. Rivera did not involve him. He admitted, however, that he brought a firearm with him, concealed near his waist.

According to Mr. Izquierdo's testimony, upon arrival, Mr. Rivera began a physical altercation with Mr. Singh by punching him in the stomach. Mr. Izquierdo claimed that he attempted to intervene, merely to end the altercation, but one of Mr. Rivera's siblings blocked him. During the hearing, Mr. Izquierdo stated that he erroneously believed that this sibling was the man who dated his former girlfriend. When the physical altercation ended, Mr. Izquierdo and his co-defendants reentered the car and, as the car began to move, Mr. Izquierdo stated that he removed the weapon from his waist area and shot in the direction of the person he believed to be dating his former girlfriend. He shot multiple rounds, until he ran out of ammunition. At the time he fired the shots, Mr. Izquierdo acknowledged that multiple individuals were still outside, including Ms. Miranda. He claimed, however, that he did not realize his bullets had struck anyone. Although he did not believe that he fired from a close enough range to kill anyone, Mr. Izquierdo wanted the sibling to feel the pain and hurt that he felt. Upon further questioning, Mr. Izquierdo feared that he would be deemed a coward for bringing a firearm to an altercation without using it. Mr. Izquierdo reported that he learned of Ms. Miranda's death upon his arrest, shortly thereafter.

Mr. Izquierdo also provided the Board with information concerning his childhood, as well as the struggles he faced at the time of the governing offense. He reported that close family members struggled with addiction, and that he became involved with various gangs in his teen years. During this time, he engaged in lower-level crimes, such as stealing car radios and drugs from rival groups. Mr. Izquierdo stated that he began carrying a firearm, when he was 17-years-old, after he had been shot at twice. At the time of the murder, he was grieving the end

of a significant relationship and using drugs frequently. Mr. Izquierdo had "no will to live" at the time he pulled the trigger.

The Board questioned Mr. Izquierdo about his institutional adjustment, as he initially struggled to adjust, incurring multiple disciplinary reports and associating with a security-threat group. Mr. Izquierdo reported to the Board that he began the renunciation process in 2016, but he faltered after an association with a group member in 2018. He has recently begun the formal process again. Mr. Izquierdo admitted that he continues to struggle with substance abuse while incarcerated. He stated that his first use, while in custody, occurred in 2012 when he tried Suboxone. He then ceased using Suboxone in approximately 2014, but he began using K2 in 2018. He was experiencing emotional upheaval after grappling with feelings of guilt regarding the governing offense. He received a disciplinary report for conduct associated with K2 use after a relapse in January 2019.

The Board noted Mr. Izquierdo has participated in several programs, including Alternatives to Violence, Criminal Thinking, Gateway to Treatment, the Correctional Recovery Academy, and Violence Reduction. He stated that he obtained his GED shortly after incarceration. Mr. Izquierdo also reported that he attends AA/NA meetings when they are available.

The Board considered oral testimony in support of parole from two of Mr. Izquierdo's family members. The Board considered a written evaluation from Dr. DiCataldo, a forensic psychologist. The Board considered the testimony of Assistant District Attorney Howard Safford, who spoke in opposition to parole.

III. DECISION

The Board is of the opinion that Mr. Izquierdo has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On February 19, 2003, in Holyoke, MA, Mr. Anibal Izquierdo, then 17 y[ears] o[ld], shot and killed 45-year-old Myriam Miranda. Mr. Izquierdo was a youthful offender at the time of offense. Mr. Izquierdo is encouraged to continue to participate in the renunciation process, remain program involved, refrain from using any illicit substances, and remain disciplinary-report free. Mr. Izquierdo has incurred disciplinary infractions for drug use and violence as recently as 2018 and 2019. Mr. Izquierdo would benefit from participation in the Restorative Justice programming to gain a greater understanding as to victim empathy and impact. Release does not meet the legal standard at this time. It should be noted the Board did consider the Forensic Evaluation completed by Dr. DiCataldo, which included his social and criminal history, education, substance abuse/use, and risk to reoffend.

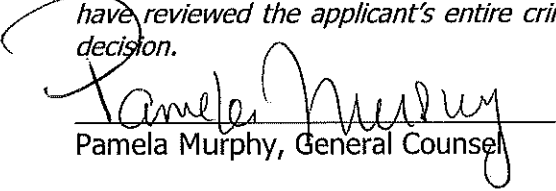
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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.* The Board has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Izquierdo's risk of recidivism. After applying this standard to the circumstances of Mr. Izquierdo's case, the Board is of the opinion that Mr. Izquierdo is not yet rehabilitated, and his release is not compatible with the welfare of society. Anibal Izquierdo, therefore, does not merit parole at this time.

Mr. Izquierdo's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Izquierdo 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.


Pamela Murphy, General Counsel

10/21/2021
Date