



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

ANTHONY RIVERA

W82086

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 24, 2017

DATE OF DECISION: August 3, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 that the inmate is a suitable candidate for parole. Parole is granted to a long term residential program with special conditions, after completion of the Restorative Justice program, receipt of a welding certificate, and successful completion of nine months in lower security.¹

I. STATEMENT OF THE CASE

On June 23, 2003, in Suffolk Superior Court, Anthony Rivera was convicted of the second degree murder of Kareem Holmes following a jury trial. A sentence of life in prison with the possibility of parole was imposed on Mr. Rivera for the murder of Mr. Holmes.

On Friday, February 25, 2000, a red Mazda, driven by Shawn Holman, was traveling in Dorchester when it was struck by a gray Toyota, driven by Anthony Rivera. When Mr. Holman stopped to survey the damages to his vehicle, the Toyota left the scene. Mr. Holman drove around looking for the Toyota for several minutes before picking up his friend, Kareem Holmes, and resuming the search. After a series of events involving another individual, as well as other

¹ Four Board Members voted to grant parole with special conditions after nine months in lower security. Two Board Members voted to deny parole and schedule a review hearing in two years.

cars, a confrontation occurred when two of the vehicles made their way to Terminal B of Logan Airport. Mr. Holmes and Mr. Rivera exited their respective vehicles and moved towards each other. Mr. Holman saw Mr. Rivera bend over, as if he had dropped something, and as he stood up, Mr. Holmes started to back up with his hands in front of him saying, "What's up? What's up?" Mr. Rivera then stepped toward Mr. Holmes and stabbed him in the chest. Mr. Holmes grabbed his chest, started yelling for help, and then walked toward witnesses who gave him first aid. After stabbing Mr. Holmes, Mr. Rivera ran past him, jumped into a car, and left the scene.

The following day, during the execution of a search warrant, Mr. Rivera was found hiding in his closet under a pile of clothes. He was arrested on a warrant for unauthorized use of a motor vehicle and charged with the attack on Mr. Holmes. Sixty-one days later, Mr. Holmes died of the stab wound to the chest, and Mr. Rivera was charged with murder.

II. PAROLE HEARING ON JANUARY 24, 2017

Mr. Rivera, now 36-years-old, appeared before the Parole Board on January 24, 2017, for a review hearing and was represented by Student Attorney Etta Benintendi. Mr. Rivera appeared for an initial hearing on February 3, 2015, which resulted in the denial of parole. In Mr. Rivera's opening statement, he apologized to the family of Mr. Holmes and expressed remorse for his actions. Later in the hearing, Mr. Rivera characterized his involvement in Mr. Holmes' death as selfish and acknowledged that he did not take full responsibility for the murder until 4 to 5 years after it occurred. He explained that it was not until he was sentenced, did he see his behavior in a different light. Mr. Rivera told the Board that accepting responsibility for his actions allowed him to move forward and work towards being a better person.

Mr. Rivera discussed his substance abuse with the Board. According to Mr. Rivera, he abused marijuana, Xanax, Percocet, and other pills prior to his incarceration. He also sold cocaine in Puerto Rico and engaged in acts of violence relating to his involvement in the drug trade. He became involved in the drug trade at the age of 14, after being kicked out of his home by his mother at age 12. Mr. Rivera also spoke about the day of the murder, saying that he fled the scene of the car accident because he had been driving without a license. He was fearful that police would respond to the scene and arrest him. Mr. Rivera told the Board that he became angry when Mr. Holman, the operator of the other vehicle, continued to follow him (in his cousin's car), despite his repeated attempts to get away and hide. At some point, while he was riding in his cousin's car, Mr. Rivera armed himself with a knife he found in the glove compartment. Mr. Holman eventually followed Mr. Rivera and his cousin to the airport, blocking their path of travel. At that point, Mr. Rivera exited his cousin's car, armed with the knife. Mr. Holmes, the passenger in Mr. Holman's car, also exited Mr. Holman's vehicle. As Mr. Rivera and Mr. Holmes approached each other, Mr. Holmes raised his arms. According to Mr. Rivera, he stated, "Yo, what's up?" and then stabbed Mr. Holmes in the chest.

Mr. Rivera believes that the Board's decision to deny parole (after his initial hearing) strengthened his resolve to better himself. He became more involved in programming and maintained a record of positive institutional adjustment. The Board notes that Mr. Rivera has not had a disciplinary report since 2012, and that he has never received a disciplinary report for an incident involving violence. Mr. Rivera attributed his positive institutional adjustment to

program participation. Mr. Rivera told the Board that the tools he learned in programming have allowed him to stay focused and to think about the consequences of his actions. Of the numerous programs that Mr. Rivera has completed since his last hearing, he cited Emotional Awareness as having had the greatest impact on his rehabilitation. According to Mr. Rivera, this program allowed him to address the emotional pain caused by his difficult childhood, as well as the pain he had inflicted on the lives of others. Mr. Rivera also discussed the benefits of his involvement in the Alternatives to Violence program, explaining that the anger he carried as a young man started to subside after he completed this program.

Mr. Rivera earned his GED in 2008. Prior to doing so, Mr. Rivera (whose native language is Spanish) took courses to gain proficiency in the English language. After obtaining his GED, Mr. Rivera successfully requested a transfer to MCI-Norfolk, where he took advantage of a greater variety of programming opportunities. Mr. Rivera gained experience in welding through employment in the metal shop and became a certified fork lift operator through employment in the shipping department. Mr. Rivera has also been trained as a law clerk and is planning to take classes in the culinary arts, should he receive a positive parole vote and a step down to a lower security institution. To address his substance abuse issues, Mr. Rivera completed the Correctional Recovery Academy in 2007. He also participates in Alcoholics Anonymous/Narcotics Anonymous (AA/NA) meetings on a regular basis and has abstained from using either drugs or alcohol for the entirety of his incarceration.

The Board considered oral testimony from Mr. Rivera's sister-in-law, niece, and friend, all of whom expressed support of parole. The Board also considered testimony from Suffolk County Assistant District Attorney Charles Bartoloni, who expressed opposition to parole.

III. DECISION

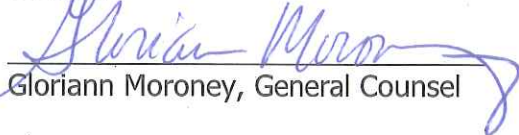
Mr. Rivera has invested in his rehabilitation, which is coupled with a positive adjustment. The Board recognizes that Mr. Rivera appears to be remorseful and has accepted responsibility for his criminal conduct. The Board is of the opinion that Mr. Rivera has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. Mr. Rivera has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society.

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. 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 whether risk reduction programs could effectively minimize Mr. Rivera's risk of recidivism. After applying this standard to the circumstances of Mr. Rivera's case, the Board is of the opinion that Mr. Rivera merits parole at this time.

Parole is granted to a long term residential program with special conditions, after completion of the Restorative Justice program, receipt of a welding certificate, and successful completion of nine months in lower security.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be home between 10:00 pm and 6:00 am; GPS monitoring for six months, then at Parole Officer discretion; 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 with victim's family; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition; Long Term Residential Treatment.

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.


Gloriann Moroney, General Counsel

8/3/17
Date