

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ANTONIO RIVERA

W39837

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 27, 2020

DATE OF DECISION: June 1, 2020

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

STATEMENT OF THE CASE: On July 12, 1983, in Hampden Superior Court, 36-year-old Antonio Rivera pled guilty to the second-degree murder of 16-year-old Rodney Cotto and was sentenced to life in prison with the possibility of parole. On the same date, Mr. Rivera also received a number of other sentences to run concurrently: a 15-20 year sentence for trafficking heroin, three 4-5 year sentences for three counts of carrying a firearm without a firearm identification card, a 4-5 year sentence for possession of a firearm with a silencer, and a 3-5 year sentence for receiving stolen property. Additionally, Mr. Rivera pled guilty to two counts of possession of a firearm without identification and conspiracy to traffic heroin, and the charges were filed. Mr. Rivera has already completed the concurrent sentences.

Mr. Rivera, now 73-years-old, appeared before the Parole Board for a review hearing on February 27, 2020 and was represented by Attorney John Rull. Mr. Rivera was denied parole after his initial hearing in 1996 and after his review hearings in 2001, 2006, 2011, and 2017. The entire video recording of Mr. Rivera's February 27, 2020 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 that the inmate is a suitable candidate for parole.¹ Reserve to sober housing. Mr. Rivera has served

¹ One Board Member voted to deny parole.

approximately 38 years for the murder of Rodney Cotto. It is the opinion of the Board that he has made a level of rehabilitative progress that would not make his release incompatible with the welfare of society. Incarceration has served its purpose.

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 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 opinion that Mr. Rivera is rehabilitated and merits parole at this time.

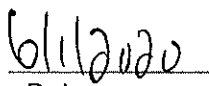
Special Conditions: Reserve to sober housing for a minimum of 90 days; Waive work for age; Not to enter Hampden County; Must be at home between 10 p.m. and 6 a.m.; Electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Polygraph testing at PO's discretion; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adjustment/transition; Must attend AA/NA at least 3 times per week.

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