



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

ANTONIO RIVERA
W39837

TYPE OF HEARING: Review Hearing
DATE OF HEARING: February 14, 2017
DATE OF DECISION: August 1, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On July 12, 1983, in Hampden Superior Court, Antonio Rivera pled guilty to the second degree murder of 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. (Mr. Rivera has already completed the concurrent sentences.) 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. The court credited Mr. Rivera with 546 days, making his

¹ Four of the six Parole Board Members voted to schedule a review hearing in three years. Two Parole Board Members voted to schedule a review hearing in five years.

effective date of sentence January 12, 1982, and creating a parole eligibility date of January 11, 1997.

On January 9, 1982, Antonio Rivera, a high-level drug trafficker, stabbed and killed Rodney Cotto in Springfield. On that date, between 8:30 p.m. and 9:00 p.m., one of the witnesses stated that he and his cousin, Rodney Cotto, were standing in front of the building across from Pizza Town at Pine and Central Streets. This witness stated that a guy named "Danny" came up to them and started throwing punches at him. The witness stated that he was able to run away, but, as he did, he heard screaming. When he looked back, he saw Mr. Rivera stab Mr. Cotto in the chest. Mr. Cotto stumbled into a nearby convenience store, where occupants called police. Mr. Cotto died a short time later.

On January 11, 1982, at approximately 7:15 p.m., Springfield police arrested Mr. Rivera on a charge of murder. The arrest took place after a high speed chase, which ended in a three vehicle collision on Interstate 91. Following the arrest of Mr. Rivera, police found \$41,816, a loaded revolver and loaded automatic pistol with silencer, and 100 packets of heroin and other drug paraphernalia, all contained in a white plastic bank bag. Also found in the trunk of the car was a bank passport in the name of Mr. Rivera's wife, which showed \$42,000 in a bank in Puerto Rico.

II. PAROLE HEARING ON FEBRUARY 14, 2017

Antonio Rivera, now 69-years-old, appeared before the Parole Board for a review hearing on February 14, 2017, and was accompanied by a language interpreter, Aaron Mendoza. His initial hearing in 1996 resulted in the denial of parole. Mr. Rivera had review hearings in 2001, 2006, 2011, and 2013, all of which resulted in the denial of parole. Mr. Rivera discussed his lifestyle (with the assistance of a Spanish interpreter) in the years leading up to the murder. He grew up in Puerto Rico and was surrounded by violence, causing him to "lose control" as a child. Mr. Rivera became involved in the violence in Puerto Rico, but later decided to move to the United States. He eventually moved to Massachusetts, where he lived for two years before the murder. During that time, Mr. Rivera discussed how his life revolved around violence and drug dealing, as he became heavily involved in selling heroin. Mr. Rivera explained that a drug-related argument ensued on the day of the murder, but acknowledges that his version of facts has changed over the years. Mr. Rivera explained that he had a reputation within his building as a drug dealer. When he was informed by individuals in his building that his client was being robbed, he assumed it was by members of a gang who carried guns. Mr. Rivera stated that he went outside with a hunting knife, subsequently stabbing Mr. Cotto. Mr. Rivera fled to Worcester with another individual, leaving his wife and two kids behind. He was caught by police after a chase causing a three-car collision in Springfield.

Mr. Rivera has continued to minimize his drug dealing activities, despite the fact that he has admitted to it at previous hearings. When arrested for the murder, he had over 100 bags of heroin and three firearms with him in his car, as well as \$40,000 in the bank. When questioned about the guns, Mr. Rivera stated that he only had two guns in his possession and that he has never owned a gun, but rather, held them for other individuals. Board Members expressed concern for Mr. Rivera's honesty about his life of crime, particularly in regard to an escape from Bridgewater State Hospital in 1983 and an escape from a New York prison in 1971.

The Board questioned Mr. Rivera about his institutional history and his efforts to work on rehabilitation over the years. Mr. Rivera discussed his programming efforts and how it has helped him in his rehabilitation, particularly referencing the violence programs. Mr. Rivera also discussed his job in the sewing shop, where he works full time. He has become involved with church and religion, which has helped him express his remorse and ask for forgiveness for his crime. Board Members expressed concern, however, for Mr. Rivera's lack of programming in previous years, as well as his lack of remorse when discussing the crime. The Board questioned whether the truth has ever been revealed due to the differing versions that Mr. Rivera has told over the years. Mr. Rivera became visibly upset, stating that he is telling the truth at this hearing.

The Board considered oral testimony in support of parole from a family member and a friend of Mr. Rivera. The Board considered testimony in opposition to parole from the victim's nephew, cousin, and brother, as well as from Hampden County District Attorney Howard Stafford.

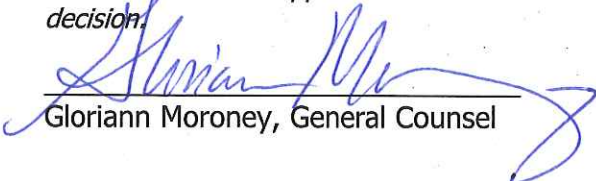
III. DECISION

The Board is of the opinion that Mr. Rivera has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Rivera has made strides in his rehabilitation and should continue to engage in relevant programming and maintain a positive adjustment.

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 standard to the circumstances of Mr. Rivera's case, the Board is of the majority opinion that Mr. Rivera is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Gloriann Moroney, General Counsel

8/1/17
Date