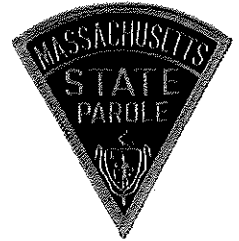


*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**RECORD OF DECISION**

**IN THE MATTER OF**

**EDGARDO RODRIGUEZ**  
**W86459**

**TYPE OF HEARING:**           **Review Hearing**

**DATE OF HEARING:**       **March 5, 2024**

**DATE OF DECISION:**      **May 14, 2024**

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

**VOTE:** Parole is granted after two weeks of the issuance of this Decision to a Long-Term Residential Program, but not before six months in lower security.

**PROCEDURAL HISTORY:** On October 25, 2005, in Hampden Superior Court, Edgardo Rodriguez pleaded guilty to second-degree murder in the death of 26-year-old Joel Rivera-Delgado. He was sentenced to life in prison with the possibility of parole. On that same date, he also pleaded guilty to larceny from a building, larceny of a motor vehicle, and breaking and entering in the daytime with intent to commit a felony, all of which were filed.

Parole was denied following an initial hearing in 2021. On March 5, 2024, Edgardo Rodriguez appeared before the Parole Board for a review hearing. He was represented by Attorney Lisa Newman-Polk. The Board's decision fully incorporates, by reference, the entire video recording of Edgardo Rodriguez March 5, 2024, hearing.

**STATEMENT OF THE CASE:** On May 15, 2004, 16-year-old Edgardo Rodriguez stabbed and killed 26-year-old Joel Rivera-Delgado in Mr. Rivera-Delgado's Springfield home. Mr. Rodriguez then stole car keys, as well as several items of value, from the apartment and fled the scene in a car belonging to Mr. Rivera-Delgado's roommate. Mr. Rodriguez returned to a friend's residence in the early morning hours of May 15, 2004. He was subsequently observed depositing a knife and bloody clothing into a nearby dumpster. According to witness testimony, Mr. Rodriguez had additional blood on his person and admitted to a friend, co-defendant Jonathan Colondres, that he had killed Mr. Rivera-Delgado. The following day, May 16, 2004,

Mr. Rodriguez, along with Mr. Colondres, sold the items that Mr. Rodriguez had taken from Mr. Rivera-Delgado's apartment. They returned to the victim's apartment and stole additional items, which they also sold. The men were stopped in the stolen car by the Massachusetts State Police, but were released from the scene. Mr. Rodriguez then returned to Mr. Rivera-Delgado's apartment a second time, with different people, and removed additional items.

Mr. Rivera-Delgado's body was discovered by his roommate, who returned to the shared residence from a trip on May 18, 2004.

**APPLICABLE STANDARD:** Parole "[p]ermits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

In the context of an inmate 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 meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile'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." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the inmate's right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

**DECISION OF THE BOARD:** This was Edgardo Rodriguez's second appearance before the Board. He was 16-years-old at the time of the offense. He has been incarcerated for 19 years. Since the last hearing, Mr. Rodriguez has continued to invest in his rehabilitation. He has remained sober and enrolled in Medication Assisted Treatment programming. Mr. Rodriguez is engaged in Barber Training, paid for additional American Community Corrections Institute courses, and continued programming to address addictions, violence reduction, emotional awareness, and overall self-development. He also completed the disassociation process. Mr. Rodriguez worked with a forensic psychologist and social worker to develop a re-entry plan to meet his needs. The Board considered the expert evaluations provided, his age at the time of offense, and his re-entry plan in rendering its decision. The Board also considered public

testimony from Mr. Rodriguez's mother and godmother. The Board also considered opposition testimony from Hampden County Assistant District Attorney Michael Julian. The Board concludes by unanimous decision that Edgardo Rodriguez has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

**SPECIAL CONDITIONS:** Waive work for Long Term Residential-Program; Curfew: must be at home between 10PM and 6AM at Parole Officer's Discretion; Electronic Monitoring at Parole Officer's 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 or association with gangs/gang activities; No contact with victim(s)' family; Counseling for adjustment, substance abuse, gambling addiction, and trauma; Long Term Residential Program; Mandatory - Must sign releases of information for therapist, to include all psychological evaluation(s) and offender assessment.

*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.*

  
Tina M. Hurley, Chair

  
Date