

*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*

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

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RECORD OF DECISION

IN THE MATTER OF

**EDGARDO RODRIGUEZ
W86459**

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: March 18, 2021
DATE OF DECISION: November 1, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On October 25, 2005, in Hampden County Superior Court, Edgardo Rodriguez pleaded guilty to second-degree murder in the death of 26-year-old Joel Rivera-Delgado and 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.

On May 15, 2004, 16-year-old Edgardo Rodriguez stabbed and killed Joel Rivera-Delgado in the victim’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 the victim’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

¹ One Board Member voted to deny parole with a review in four years from the date of the hearing.

and admitted to a friend, co-defendant Jonathan Colondres, that he had killed Mr. Joel Rivera-Delgado. The following day, May 16, 2004, Mr. Rodriguez, along with Mr. Colondres, sold the items that Mr. Rodriguez had taken from the victim'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 the victim'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.

II. PAROLE HEARING ON MARCH 18, 2021

Edgardo Rodriguez, now 34-years-old, appeared before the Parole Board on March 18, 2021, for an initial hearing. He was represented by Attorney Lisa Newman-Polk. In his opening statement to the Board, Mr. Rodriguez apologized for his actions, acknowledging the pain and trauma that he caused Mr. Rivera-Delgado's family and friends. He also expressed his shame and remorse for the crime he committed.

At the hearing, Mr. Rodriguez discussed several traumatic experiences he endured as a child, including frequent physical punishments by caregivers. He also reported that he was raped by a male neighbor on two separate occasions. Despite disclosing the assault, "nothing was done about it." Mr. Rodriguez explained that throughout his childhood he has engaged in self-harm to "gain attention" and has held suicidal ideations. Mr. Rodriguez cited his lack of family support as the reason he did not feel "loved" as a child. Mr. Rodriguez described his relationship with his mother as "rough" and admitted to being "scared" of male family members. As such, he became susceptible to negative influences that surrounded him. When asked about his gang affiliation, Mr. Rodriguez said he became a member at approximately 15 years old. Mr. Rodriguez stated that his need for a "family structure" gave rise to his gang involvement, despite knowing the "bad activity" the members engaged in. While Board Members acknowledged that his childhood trauma played an integral part in the murder, they inquired as to whether he gained insight on the trauma he caused Mr. Rivera-Delgado's family. Mr. Rodriguez told the Board he can recognize his wrongful actions and the "tremendous pain" he caused by committing his crime. However, at the time of the governing offense and at the onset of his incarceration he struggled to "process" his actions. He indicated that he was able to "come to terms" with his crime when he addressed his addiction and the impact his childhood had on him.

Upon questioning as to the governing offense, Mr. Rodriguez informed the Board that he had become acquainted with Mr. Rivera-Delgado through a "chat line" several weeks prior to the murder. After informing him that he was not interested in a sexual or romantic relationship, Mr. Rodriguez met with Mr. Rivera-Delgado for marijuana sales and use on several occasions. However, on May 15, 2004, after accepting Mr. Rivera-Delgado's invitation to come to his apartment and smoke marijuana, Mr. Rodriguez claimed that Mr. Rivera-Delgado suggested that the pair go to his air-conditioned bedroom. After smoking some marijuana, Mr. Rivera-Delgado urged him to remove his shirt, as it was still very warm, which Mr. Rodriguez agreed to do. Mr. Rodriguez said that after he rebuffed a sexual advance by Mr. Rivera-Delgado, the men relocated to the living room, where he (Mr. Rodriguez) began to doze off because he was high.

After Mr. Rivera-Delgado made another sexual advance, Mr. Rodriguez explained to the Board that he felt an enormous amount of anger, citing previous trauma and feelings of helplessness caused by his sexual assault as a child. He went to the kitchen, retrieved a knife, and stabbed Mr. Rivera-Delgado until he stopped moving. After placing a pillow over his face, he took several valuables, as well as car keys, and fled the scene in (what he believed to be)

the victim's car. Mr. Rodriguez admitted to disposing the murder weapon and bloody clothing in a dumpster and then informing Jonathan Colondres of what transpired. He returned to the victim's apartment on two separate occasions, first with Mr. Colondres, and then with a separate set of people, to steal additional items from the apartment. At the hearing, he said that he regrets his actions each day and wishes that he had handled himself differently.

Mr. Rodriguez has completed some programming while incarcerated. He reported that he obtained his GED, after only completing the sixth grade prior to his incarceration. Mr. Rodriguez also completed the Correctional Recovery Academy (CRA) as well as several other programs. Mr. Rodriguez admitted that he has not yet participated in any vocational programs, acknowledging that he needs to do so. He has not participated in Alcoholics Anonymous or Narcotics Anonymous.

The Board questioned Mr. Rodriguez as to his institutional adjustment, noting the accrual of numerous disciplinary reports over the course of his incarceration. Mr. Rodriguez acknowledged his involvement in several physical altercations, as well as his association with a security-threat group. He claims, however, that he is no longer affiliated with the STG and has covered his affiliation tattoos. Upon questioning, Mr. Rodriguez stated that he began using marijuana as early as 10 or 11 years-old, and that he continued to use marijuana through the day of the governing offense. He also admitted to using heroin and cocaine prior to his incarceration. Mr. Rodriguez said that he maintained his sobriety for several years, but relapsed in custody by taking Suboxone, which he used extensively for some time. Mr. Rodriguez also admitted to successfully importing drugs into prison on several occasions. On a final attempt, he was caught and charged in Ayer District Court. He received a three-month sentence to run from and after his present sentence. Mr. Rodriguez reported that he has been sober for approximately one year and completes bi-weekly drug testing.

The Board considered testimony from several family members of Mr. Rodriguez in support of parole. The Board also considered testimony and a written evaluation from Dr. Hilary Ziven in support of parole. The Board considered a letter in opposition to parole from Hampden County Assistant District Attorney Howard Safford.

III. DECISION

The Board is of the opinion that Edgardo Rodriguez has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Although Mr. Rodriguez has done some work, he needs a longer period of positive adjustment and sobriety. As of the date of the hearing, he had been sober one year. He has just completed CRA (Correctional Recovery Academy). He is encouraged to continue committing himself to substance abuse treatment and programming. He should also engage in vocational training to assist him with a solid re-entry plan. Mr. Rodriguez has incurred over 30 disciplinary reports during his incarceration and was recently transferred from Souza Baranowski to Norfolk. He was 16 years old when he committed the crime. The Board did consider the evaluation provided by Dr. Ziven.

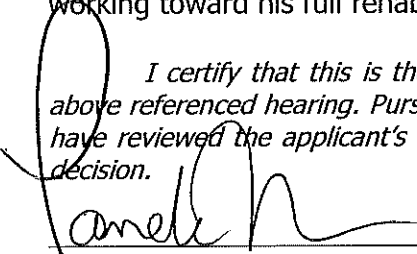
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 the 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 environment; lack of ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

In addition to the above factors, the Board took into consideration Mr. Rodriguez's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment, the evaluation of Dr. Hilary Ziven, and whether risk reduction could effectively minimize Mr. Rodriguez's risk of recidivism. After applying this standard to the circumstances of Mr. Rodriguez's case, the Board is of opinion that Edgardo Rodriguez does not merit parole at this time.

Mr. Rodriguez'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. Rodriguez to continue working toward 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


Date