



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



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

FELIX COLON

W81832

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 15, 2017

DATE OF DECISION: October 2, 2018

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 five years from the date of the hearing.

I.STATEMENT OF THE CASE

On April 20, 2003, after a trial by jury in Worcester Superior Court, Felix Colon was found guilty, and sentenced to serve life in prison with the possibility of parole, for one count of rape of a child and 5 counts of unnatural rape of a child, all to run concurrently. The victim of this offense was a 7-year-old girl. In addition, he received a concurrent 9-10 year sentence for indecent assault and battery of a child and 4-5 years concurrent on two counts for disseminating material harmful to a minor. On a charge of unnatural rape of a child, he received a 10 year probation from and after his sentence. Mr. Colon appealed his conviction, but judgment was affirmed.¹

¹ *Commonwealth v. Felix Colon, 64 Mass. App.Ct. 303 (2005)*

The victim testified that over a 14 month period (starting at age 7), 23-year-old Felix Colon initiated approximately 10 sexual encounters with her, including oral and anal intercourse and the use of a vibrator. The victim also stated that the defendant had shown her pornographic magazines and a videotape. During that time, the victim lived with her mother, mother's boyfriend, brother, sister, aunt, and aunt's daughter. Mr. Colon, who had an intermittent relationship with the victim's aunt, also lived in the same house. The victim's mother and her boyfriend ordered Mr. Colon to leave the residence after the victim informed them of the abuse. The victim later repeated her allegations to a police officer.

II. PAROLE HEARING ON AUGUST 15, 2017

Felix Colon, now 38-years-old, appeared before the Parole Board on August 15, 2017, for an initial parole hearing. Mr. Colon was not represented by an attorney. In his opening statement to the Board, Mr. Colon expressed his remorse for the pain and damage that he inflicted on the victim and her family, as well as on his own family. He explained that he is not the same person that he was at age 23, and he wants to be given the opportunity to show how he has changed.

During the course of the hearing, the Board questioned Mr. Colon about the offense. Mr. Colon said that the first offense occurred when he fondled the victim in her bedroom. Mr. Colon also said that he raped the victim orally. When specifically asked as to how many times he raped the victim, Mr. Colon said once. When further questioned, however, Mr. Colon explained that he tried to rape her many times, but he was not able to fully penetrate her more than one time. When asked why he decided to victimize the young girl, Mr. Colon responded that "he wanted what he wanted, when he wanted it." The Board noted that this abuse took place over a 14 month period.

Mr. Colon said that it took him a long time to take responsibility for his behavior. He stated that he first examined his behavior, and how his actions affected others, when his father passed away in 2007. Mr. Colon said that "growing up, it was all about me" and "how I could get my needs met." Mr. Colon later stated that although he initially declined sex offender treatment in 2012 and 2013, he began treatment at Bridgewater Treatment Center in 2015, 12 years after his initial incarceration. Board Members expressed concern that Mr. Colon was not involved in any programming before 2014. Mr. Colon explained that during his first 8 years of incarceration, he participated in Spectrum, obtained a job, and took classes for his G.E.D. The Board believes, however, that Mr. Colon could benefit from programs that address drugs and alcohol and from participation in additional extracurricular activities.

Board Members questioned Mr. Colon about his history of substance abuse, as well as any mental health issues. Mr. Colon said that at the time of the offense, he used alcohol, and any drugs that he could find, to get his "high" and his "needs met." Mr. Colon said that he is diagnosed with depression and speaks to someone about mental health issues once a month. In addition, Board Members expressed concern with Mr. Colon's disciplinary reports; particularly, his 2014 d-report for possession of pornographic material. Aside from being prohibited, Board Members found it disturbing that Mr. Colon, a man incarcerated for a sex offense, was in possession of this type of contraband. Upon questioning, Mr. Colon said that he would like to finish treatment at his current facility, and then, if paroled, he could seek

treatment at other facilities. Mr. Colon also hopes to have the opportunity to spend time with his family.

The Board considered oral testimony from Mr. Colon's sister, daughter, niece, and brother, all of whom expressed support of parole. A letter in opposition to parole, written by the victim's mother, was read to the Board. Worcester County Assistant District Attorney Michelle King spoke in opposition to parole.

III. DECISION

The Board is of the opinion that Mr. Colon has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Colon recently acknowledged his culpability as it relates to his governing offense. Mr. Colon must continue to engage in programming to address his deviant behavior.

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 available work, educational, and treatment programs during the period of his incarcerating. The Board also considered a risk and needs assessment, and whether the risk reduction programs could affectively minimize Mr. Colon's risk of recidivism. After applying this standard to the circumstances of Mr. Colon's case, the Board is of the unanimous opinion that Felix Colon is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Colon's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Colon 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, Executive Director/General Counsel

10/2/18
Date