

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

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF

HECTOR RUIZ
W63878

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 27, 2020

DATE OF DECISION: March 9, 2021

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

STATEMENT OF THE CASE: On December 31, 1997, in Hampden Superior Court, Hector Ruiz pleaded guilty to the second-degree murder of 19-year-old Miguel Rivas, Jr. He was sentenced to life imprisonment with the possibility of parole. On that same day, Mr. Ruiz also pleaded guilty to a related charge of possession of a firearm and was sentenced to 1,037 days, deemed served. Mr. Ruiz was 16-years-old at the time of the murder.

Mr. Ruiz appeared before the Parole Board for a review hearing on October 27, 2020 and was represented by Attorney Brian Murphy. This was Mr. Ruiz's first appearance before the Board since his final revocation hearing in 2019. Mr. Ruiz was previously released on parole in in 2015 but was revoked due to parole violations. The entire video recording of Mr. Ruiz's October 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 by unanimous vote the inmate is a suitable candidate for parole. Reserve to CRJ-Transitional Housing: Brooke House. Mr. Ruiz served approximately 20 years before being released on parole supervision in 2015. He appeared to be adjusting well until his return to custody in January of 2019. Since his return to custody he has completed Restorative Justice, Domestic Violence and Jericho Circle. Release with added conditions meets the legal standard.

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).

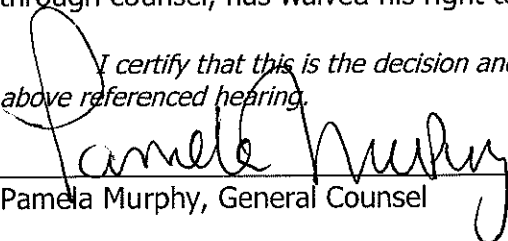
The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-40.

The Board has also taken into consideration Mr. Ruiz'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. Ruiz's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Ruiz's case, the Board is of the opinion that Mr. Ruiz is rehabilitated and merits parole at this time.

Special Conditions: Reserve to CRJ-Transitional Housing: Brooke House; Waive work for two weeks; Curfew must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Polygraph at P.O.'s discretion; Report to assigned MA Parole Office on day of release; No contact with [named individuals]; No contact with victim's family; Must have mental health counseling for parenting healthy relationships; Mandatory – no security threat group activity or affiliation; Must complete 90 days at CRJ-Transitional Housing: Brooke House.

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. Ruiz, 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

3/19/2021

Date