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RECORD OF DECISION

IN THE MATTER OF

JAMES RIVA II
W38533

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 8, 2024

DATE OF DECISION: January 30, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz¹

VOTE: Parole is denied with a review in three years from the date of the hearing.

PROCEDURAL HISTORY: On October 31, 1981, after a jury trial in Plymouth County Superior Court, James Riva II was convicted of second-degree murder in the death of his paternal grandmother, 74-year-old Carmen Lopez. He was sentenced to life in prison with the possibility of parole. On that same date, he was convicted of arson and sentenced to a consecutive term of 19 to 20 years. Mr. Riva filed numerous appeals and motions for new trial, all of which have been denied.

Mr. Riva was denied parole after his initial hearing in 2004, and after his review hearings in 2009, 2014, and 2019. Mr. Riva, now 67-years-old, appeared before the Parole Board for a review hearing on October 7, 2024. He was represented by Attorney Jack Cunha. The entire video recording of Mr. Riva's October 7, 2024, hearing is hereby incorporated, by reference, to this decision.

STATEMENT OF THE CASE: On April 10, 1980, police and fire personnel responded to the Marshfield home of Carmen Lopez for reports of a house fire. After the fire was extinguished, the body of Mrs. Lopez was found lying in a fetal position on the bedroom floor. An autopsy

¹ Board Members Coughlin and Ortiz were not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

later revealed that she had been shot multiple times. The medical examiner detected two penetrating wounds to the chest area and one penetrating wound to the back. Investigators questioned neighbors and learned that Mr. Riva had been at the house shortly before the fire started.

On the day of the murder, Mr. Riva (age 22) borrowed his father's car and drove to his grandmother's house. His grandmother had asked him to do laundry for her. While in the basement, he retrieved a gold painted gun and bullets. He went back upstairs to where his grandmother was sitting on the couch and proceeded to shoot her once. After the first shot, his grandmother threw a glass of water at him. He shot her again (multiple times) and then dragged her body into her bedroom. Mr. Riva ripped open her pajamas and sucked the blood from the bullet holes. He poured dry gas on her, which he had purchased earlier in the day. Mr. Riva then lit her body on fire and left the house. Approximately 10 minutes had elapsed from the time he had first shot his grandmother to the time he left the house.

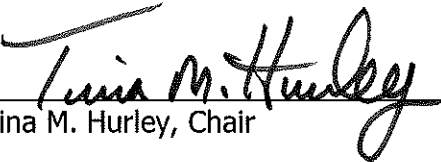
Mr. Riva then got into his father's vehicle and drove to pick him up. At one point during the drive, he pulled over on the side of the road and placed the gun (which he had put in a tackle box) in a small ditch and covered it with leaves. His father received a phone call regarding the fire when Mr. Riva arrived at his father's workplace. The two men then drove to Mrs. Lopez's house, where they were questioned by police. Mr. Riva admitted to being at his grandmother's house earlier in the day. The next day, following additional questioning, Mr. Riva was arrested and charged with first degree murder.

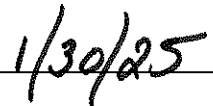
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain 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 incarcerated individual'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 incarcerated individual'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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual'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).

DECISION OF THE BOARD: This was Mr. Riva's sixth appearance before the Board. Mr. Riva has been incarcerated for 44 years. He is currently 67-years-old. He was 22-years-old at the time of the offense. Mr. Riva has a long history of major mental illness that appears directly related to the offense. His mental health history was further complicated by his abuse of poly substances. Mr. Riva has engaged in intensive mental health treatment during this incarceration. He has been compliant with his psychiatric medications since his most recent commitment to Bridgewater State Hospital in 1990. He has developed insight into his mental illness and need for ongoing compliance and agrees that his symptoms have not completely remitted. He has been sober since 1980. He has been deemed eligible for DMH services. The Board remains concerned that, within the last five years, he became symptomatic with extreme paranoia similar to his delusions that occurred prior to the homicide. The Board also verbalized

concerns that he may continue to harbor animosity toward those who (he believes) have wronged him. This is consistent with his family's testimony. Mr. Riva continues to persevere on his perceived injustices and affronts as endorsed by his continued court filings. The content of such filings raises concern that he has not resolved his anger and resentments. The Board considered the expert testimony of Dr. Elizabeth Byrne and a proposed release plan submitted to the Board. Dr. Byrne spoke in support of parole. The Board considered the testimony from family members who strongly oppose his release and who also stated that they remain in fear of him. The Board also considered the opposition testimony of Plymouth County Assistant District Attorney Karen Palumbo.

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