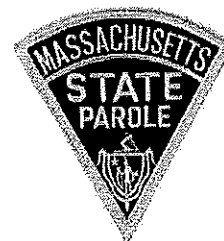


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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

DECISION

IN THE MATTER OF

JAMES RIVA II

W38533

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 24, 2019

DATE OF DECISION: June 30, 2020

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

I. STATEMENT OF THE CASE

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.

On April 10, 1980, police and fire personnel responded to the home of Carmen Lopez in Marshfield 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 later revealed that she had

¹ One Board Member voted to deny parole with a review scheduled in three years. One Board Member voted to deny parole with a review scheduled in four years.

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 that he left the house.

Mr. Riva got into his father's vehicle and drove to pick up his father. 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.

II. PAROLE HEARING ON OCTOBER 24, 2019

James Riva, now 62-years-old, appeared before the Parole Board on October 24, 2019, for a review hearing. He was represented by student attorneys from Northeastern University School of Law. Mr. Riva was denied parole after his initial hearing in 2004, and after his review hearings in 2009 and 2014. Mr. Riva detailed for the Board a childhood marred by a difficult relationship with his parents. He explained that his relationship with his mother was worse than that with his father, as she both verbally and physically abused him from the time he was about 4-years-old. He first experimented with alcohol at age 9, and began "raiding medicine cabinets" at age 13. By the time he was 14-years-old, Mr. Riva started using marijuana, pills, alcohol, and LSD, all of which he used regularly a few years later. He agreed with the Board that his history of trauma and substance abuse "didn't help," as he began to exhibit mental health symptoms.

The Board noted that Mr. Riva was first diagnosed with a mental health disorder, now understood to be schizophrenia, paranoid type, at age 16. Mr. Riva stated that he began to have hallucinations and delusions that he was a "food animal" for vampires, and that his blood was being taken from him. He also developed beliefs that his brain was expanding. Mr. Riva believed that an "illegal lobotomy" had been performed on him, and that a transmitter had been implanted in his brain. In light of these delusions, Mr. Riva began consuming blood from animals to "replenish" himself. He also told the Board that he killed, decapitated, and removed the brain of a cat because he needed practice for when he performed the same procedure on himself. The Board acknowledged that Mr. Riva was hospitalized several times prior to the governing offense. Mr. Riva explained that, although mental health counselors urged him to take his medication, he believed that they were trying to harm him. In his final hospitalization before the murder, he escaped through the ceiling at Taunton State Hospital.

Due to difficulties with his immediate family, Mr. Riva moved in with his grandmother (Carmen Lopez) for approximately three to four months. During this time, he developed the belief that she was poisoning his food and blood. Meanwhile, Mr. Riva's delusions about vampires persisted. He broke into a gun shop and stole a firearm and ammunition, in the event he was confronted by a vampire. He practiced shooting in the woods. He even considered shooting himself, but could not bring himself to do so. Mr. Riva stored the gun and ammunition in his grandmother's basement, but Mrs. Lopez eventually arranged for Mr. Riva to move out of her house. When Board Members asked him to detail the governing offense, Mr. Riva stated that he had decided to kill Mrs. Lopez before he arrived at her home for a visit. On the way, he purchased dry gas, so that he could burn her body after he killed her. Upon arrival, and after a "pleasant conversation," Mr. Riva excused himself to the basement. He retrieved the firearm and walked back upstairs, where he "immediately" shot Mrs. Lopez. The Board noted that Mr. Riva shot at Mrs. Lopez four times. Mr. Riva explained that he then dragged her body to the bedroom, where he sucked her blood from the bullet wounds, poured dry gas on her, and lit her on fire. He left the house and joined his father at work. Mr. Riva was taken into custody as part of the investigation, later confessing to the crime.

Mr. Riva told the Board that he stopped taking medication a couple of years into his sentence at the suggestion of other inmates. They convinced him that he did not need the medicine, as it made him a "junkie." He "didn't know" why he listened to them and, although his symptoms began to reemerge, he did not resume taking his medication. After two months without medication, Mr. Riva developed the belief that a correctional officer was using a key to take his spinal fluid. He stabbed the correctional officer, causing life-threatening injuries. When Board Members asked what he had learned from that experience, Mr. Riva responded that he "doesn't have the right to not take medication." He now understands that his past choices regarding medication have caused significant harm. Board Members noted that Mr. Riva has taken prescribed medication since this incident. He has engaged in counseling and therapy groups, and attended the Spectrum program. His most recent disciplinary report was in 2017. Mr. Riva has achieved both his associate and bachelor's degrees and has converted to Islam. He told the Board that his faith has assisted him in "gaining a moral compass" and in developing remorse for his crime. He explained that he has benefited from expressive therapy by writing and creating art.

The Board discussed a letter that Mr. Riva had written to his mother in 2009, which impacted his immediate and extended family. Mr. Riva explained that he had written that letter as a part of a program, but that he was not supposed to send it to her. Nonetheless, he chose to send it, acknowledging that it caused her fear. Although he did not intend for the letter to be a threat, he understands now that "anyone would be afraid" of what he had written. Mr. Riva also said that he submits writings to be posted on a website. When the Board stated that some of these posts mention his mother, and her abuse of him (which concern his extended family), Mr. Riva said that he does not find these posts to be threatening. The Board discussed with Mr. Riva the correspondence he receives from the outside about his posts, sometimes from individuals "fantasizing about vampire beliefs." He acknowledged he has received requests for "artifacts" from him like beard trimmings and clothing. He denied providing anything but artwork to those that write to him. He stated he would never provide anything "that would glorify the crime." He stated that in his responses to these letters he attempts to discourage those who appear to have a "passing fascination" with the details of his crime.

Mr. Riva shared that stress has triggered some of his symptoms to reemerge, namely "brief episodes of paranoia" that his brain was expanding. These episodes occurred a few months and a few days prior to this hearing. He stated that his clinician advised him to stop assisting other inmates with litigation, as that activity caused him stress. Mr. Riva mentioned that neither he, nor his clinician, were concerned about this "relapse" because he recognized that his beliefs and fears were irrational. Mr. Riva understands that he must prioritize his mental health, as he "wouldn't want to find out" what he is like without treatment. He agreed with the Board that, if released, there would need to be a plan in place for immediate intervention, should his symptoms reemerge.

Mrs. Lopez's two daughters, niece, and granddaughter testified in opposition to parole. Marshfield Police Chief Phillip Tavares testified in opposition to parole. Plymouth County Assistant District Attorney Keara Kelly testified and submitted a letter in opposition to parole. The Board also considered additional letters of opposition.

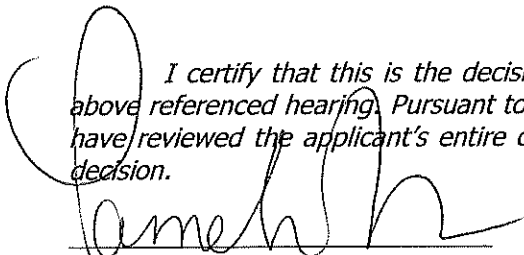
III. DECISION

The Board is of the opinion that James Riva has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Riva shot and killed his grandmother before setting the house on fire nearly 40 years ago. He continues to engage in antisocial behavior. He has done limited programming to address his multitude of causative factors. He did not exhibit a level of rehabilitation based on posts on social media. By his own admission, stress brings on bouts of paranoia. It is the opinion of the Board that he is not equipped to handle the stress of living outside of the Department of Correction at this time. Mr. Riva needs to engage in recommended treatment and programming.

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 Board has taken into consideration Mr. Riva'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. Riva's risk of recidivism. After applying this standard to the circumstances of Mr. Riva's case, the Board is of the unanimous opinion that James Riva is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Riva's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages him 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.


Pamela Murphy, General Counsel

6/30/2020
Date