

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JESUS PIZARRO

W83977

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: November 9, 2017

DATE OF DECISION: November 28, 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 hearing scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On July 22, 2004, after a jury trial in Middlesex Superior Court, Jesus Pizarro was found guilty of the second degree murder of Jose Rijos and sentenced to life in prison with the possibility of parole. On that same date, Mr. Pizarro was also found guilty of assault and battery by means of a dangerous weapon. That charge was placed on file.

On the evening of November 27, and into the early morning hours of November 28, 2002, a group of (8-10) people were socializing at a Prospect Street home in Waltham. The people in attendance knew each other, including 28-year-old Jose Rijos and 26-year-old Jesus Pizarro. At around 4:00 a.m., Mr. Pizarro came downstairs and, as he passed by Mr. Rijos (who was in the living room), made a derogatory remark. The two men, who then moved into the kitchen, began to argue with one another. The men were quickly separated, and a friend escorted Mr. Rijos out the kitchen door to the yard. At the same time, Mr. Pizarro went out the living room door and headed around the house to where Mr. Rijos was standing outside the kitchen. Mr. Pizarro's friend tried unsuccessfully to stop him from approaching Mr. Rijos. Mr. Pizarro

immediately began to fight with Mr. Rijos, and the two men ended up on the ground. Mr. Rijos was on the bottom (facing up), while Mr. Pizarro was on top, hitting Mr. Rijos repeatedly about the head and torso. Mr. Rijos appeared to just lie there, as Mr. Pizarro delivered the blows. Mr. Pizarro then got up and ran off toward a girlfriend's car a short distance away. Another friend went towards Mr. Rijos, thinking he was just stunned or knocked out. As he approached, however, he saw blood on the victim's stomach and began to scream for help. A second friend came over and began performing CPR, and another summonsed the police. Mr. Pizarro, now by a friend's car, told the others to stay away or he would "cut them" too. He insisted that his friend give him a ride and, when she refused, Mr. Pizarro grabbed her car keys and drove off alone.

Emergency personnel and police responded, and Mr. Rijos was rushed to a nearby hospital. He was later pronounced dead as a result of multiple stab wounds to the abdomen and five slash wounds to the head, back, and knee. Three days after the murder, Mr. Pizarro turned himself in to police.

II. PAROLE HEARING ON NOVEMBER 9, 2017

Mr. Pizarro, now 42-years-old, appeared before the Parole Board on November 9, 2017, for an initial hearing. He was not represented by counsel. In his opening statement to the Board, Mr. Pizarro expressed his remorse and took responsibility for the murder of Mr. Rijos. Mr. Pizarro also apologized to the family of Mr. Rijos, as well as his own family. Mr. Pizarro submitted a substantial packet to the Board in support of parole. In the packet, Mr. Pizarro describes his childhood in Puerto Rico, where he was "spoiled" by his grandparents, but had received little supervision. As a result, he began spending time on the streets and would sometimes stay with different relatives. At age 14, he came to the United States and started selling cocaine at age of 16 or 17. Mr. Pizarro told that Board that he had stopped selling drugs, however, after a prior incarceration. In addition, Mr. Pizarro had joined a gang prior to his first state incarceration, but had renounced while awaiting trial for the murder of Mr. Rijos.

Mr. Pizarro told the Board that approximately five years before the murder, Mr. Rijos went to prison. While Mr. Rijos was in prison, Mr. Pizarro began dating Mr. Rijos' girlfriend, causing a rift between the two men. As a result, the two did not get along and had gotten into arguments throughout the years leading up to the murder. In describing the governing offense, Mr. Pizarro said that earlier in the evening, he and a male friend had been at a party in Brockton. At 2:00 a.m., Mr. Pizarro received a call from a woman he had been dating, asking them to come to a party in Waltham. At some point during the Waltham party, Mr. Pizarro passed through the living room and saw Mr. Rijos. Mr. Pizarro then went to the kitchen, asking a friend why Mr. Rijos was there. The friend said that Mr. Rijos would be leaving. According to Mr. Pizarro, however, Mr. Rijos approached him, and an argument ensued. When Mr. Rijos became "aggressive," Mr. Pizarro said that he asked a friend to take Mr. Rijos out of the house. Sometime later, Mr. Pizarro and his friend decided to leave. Mr. Pizarro went out the living room door and around the building. While outside, Mr. Pizarro said that when he made eye contact with Mr. Rijos, Mr. Rijos charged at him. Mr. Pizarro threw the first punch, and the two began fighting. Mr. Pizarro said that when Mr. Rijos cut him with a knife, he grabbed the knife from Mr. Rijos. Mr. Pizarro then stabbed Mr. Rijos multiple times in the stomach area and hit him in the face with the handle of the knife, after the blade fell out. Mr. Pizarro said that he sustained wounds to his right hand.

Mr. Pizarro told the Board that the first time he stopped viewing the incident as self-defense was approximately 8 years ago, through his programming efforts while incarcerated. However, in spite of his assertion that he no longer views the incident as that of self-defense, Mr. Pizarro still holds his original statement to be true, maintaining that Mr. Rijos charged after him. When asked why he stabbed the victim, Mr. Pizarro explained that he "lived by the streets" and had "anger built up inside." He believed that his "ignorance," "lack of education," and "pride" were all contributing factors. Board Members pointed to witness testimony that Mr. Pizarro, upset with Mr. Rijos, tried to leave the front door of the residence to confront Mr. Rijos. When others attempted to stop him, Mr. Pizarro left through the side door to confront Mr. Rijos. Board Members also pointed to testimony that when Mr. Pizarro approached his female friend for her car keys (and she refused), he grabbed her by the arms and shook her, telling her to give him the keys. Further, the female friend testified that Mr. Pizarro was not bleeding. Mr. Pizarro denied ever shaking his female friend and couldn't offer an explanation for her bruising. Board Members expressed that they did not find Mr. Pizarro's version of events to be credible, as it conflicts with the testimony of several witnesses stating that Mr. Pizarro was the aggressor.

Mr. Pizarro had a criminal history prior to the murder. In 1995, he was convicted of armed robbery and assault and battery with a dangerous weapon and was sentenced to 3-5 years imprisonment. Mr. Pizarro explained that at the time of that incident, he was living with his daughter's mother and selling crack cocaine. Mr. Pizarro explained that he and a friend robbed someone, who they believed wanted to buy drugs. During the robbery, Mr. Pizarro's friend hit the victim in the head with a stick and was injured "badly." Mr. Pizarro was also committed on a conviction for distribution of a Class B. A portion of that sentence was a term of probation of which Mr. Pizarro was found to be in violation. In 2002, Mr. Pizarro was also convicted of assault and battery and was sentenced to 8 months imprisonment. In 2001, he was convicted of operating with a suspended license subsequent offense and was sentenced to a term of probation, but was committed after he was found in violation of his probation. As a juvenile, Mr. Pizarro had a commitment in the Department of Youth Services for an assault and battery.

Mr. Pizarro has had a good institutional adjustment, having incurred only 4 disciplinary reports during his incarceration for possession of fermented juices, stealing food, disobeying, and receiving money in the mail. For the past 6 years, Mr. Pizarro has participated in Correctional Recovery Academy ("CRA"), where he has become a program leader and dealt with his recovery from alcohol abuse. Mr. Pizarro also completed the Alternatives to Violence Program ("AVP"), Restorative Justice, Criminal Thinking, and Violence Reduction. He currently participates in the NEADS program, in which he participates in training service dogs for individuals with disabilities. Mr. Pizarro earned his GED and obtained a barber's license.

The Board considered the oral testimony of Mr. Pizarro's friend, fiancé, daughter, and son, all of whom expressed support for parole. The Board also considered letters in opposition to parole from the sister and son of Mr. Rijos, as read by a Victim Services Coordinator. The Board considered the testimony of Middlesex County Assistant District Attorney Nils Lundblad in opposition to parole.

III. DECISION

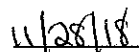
The Board is of the opinion that Mr. Pizarro has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Although Mr. Pizarro has availed himself of relevant treatment/programming to address his causative factors, it is of the opinion of the Board that he minimizes his criminal culpability.

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 consideration Mr. Pizarro'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 and whether risk reduction could effectively minimize Mr. Pizarro's risk of recidivism. After applying this standard to the circumstances of Mr. Pizarro's case, the Board is of the opinion that Jesus Pizarro does not merit parole at this time.

Mr. Pizarro's next appearance before the Parole Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Pizarro to continue to work 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, General Counsel/Executive Director


Date