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

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**Paul M. Treseler**  
Chairman

**Michael J. Callahan**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**JOSE ROBLES**  
**W64509**

**TYPE OF HEARING:** Review

**DATE OF HEARING:** June 21, 2016

**DATE OF DECISION:** October 24, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley

**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 the 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<sup>1</sup> vote that the inmate is a suitable candidate for parole after completion of 18 months in lower security, and then acceptance to a long-term residential program.

**I. STATEMENT OF THE CASE**

On April 16, 1998, in Hampden Superior Court, Jose Robles pleaded guilty to the second degree murder of Juan Cruz Santiago and was sentenced to life in prison with the possibility of parole. Mr. Robles and his two co-defendants, Heriberto Hernandez and Miguel Lozada, secured plea agreements to second degree murder by testifying against Angel Rivera, the leader of a gang who ordered the murder. Mr. Rivera was convicted of first degree murder.

Mr. Santiago was murdered on January 30, 1994, after Mr. Robles participated with fellow gang members in a planned and deliberate execution. Mr. Robles had just turned 17 and was enrolled at the Westover Job Corps program in Chicopee at the time of these events. Initially, Mr. Rivera had ordered Mr. Santiago to kill a female staff person (who had angered the gang) at Job Corps. However, at the time of the planned murder, Mr. Santiago was overcome

<sup>1</sup> One Board member abstained from voting. Five Board members participated in voting.

by conscience and did not carry out the mission. Mr. Rivera (angered by the Mr. Santiago's failure to kill the staff person) then ordered Mr. Robles, Mr. Hernandez, and Mr. Lozada to murder Mr. Santiago. The three gang members lured Mr. Santiago to a remote location by stating that the four of them would kill the female Job Corps staff member. However, the three gang members set upon Mr. Santiago. They kicked and punched him, held him down, wrapped a belt around his neck, and choked him until he appeared dead with blood coming from his mouth. Mr. Lozada described at trial that "me and [Mr. Hernandez] were pulling on both ends of the belt [while] Jose was holding [the victim] down." Mr. Lozada further described that as the victim "started giving up his struggle, Jose started jumping up and down on his chest." As Mr. Robles and his co-defendants hid the body, they noticed that the victim was still "gurgling and gasping for air," so they threw Mr. Santiago (who was unconscious) into the freezing waters of the Connecticut River.

Mr. Santiago's body was found in April 1994. Because police initially considered the death an accidental drowning, they did not begin an investigation until October 1994. Mr. Robles and his co-defendants were arrested in the spring of 1996. Mr. Robles cooperated with the investigation, eventually testifying against Mr. Rivera in exchange for a plea agreement convicting him of second degree murder.

## **II. PAROLE HEARING ON JUNE 21, 2016**

Mr. Robles, now 39-years-old, appeared for his second parole hearing on June 21, 2016, after being denied parole in 2011. Mr. Robles has served approximately 20 years of his life sentence and was represented by Attorney Steve Weymouth.

In his opening statement, Mr. Robles thanked the Board for considering his case. He stated that at the last hearing, he had the opportunity to apologize for the murder of Mr. Santiago, even though he dreaded having to face both the Board and Mr. Santiago's family. Mr. Robles said the thought that he not only took Mr. Santiago's life, but the potential of his life, haunts him every day. Mr. Robles said he is now "completely conscious that [his] actions were unjustified and disproportionately wrong, humbled by the reflection, shame, and experience of being torn by the guilt I feel by my own inexcusable murderous actions." Mr. Robles said he realized that he needed to address the Board's concerns to increase his program participation and became "a facilitator, tutor, and mentor for various programs." Mr. Robles described his work as a medical companion with elderly inmates, stating that "I learned what it feels like to care and nurture another human being. I learned the value of life and I felt empathy." Mr. Robles stated, "While knowing that in no way, shape, or form I will ever even come close to atoning for what I have done, I will continue in a lifestyle of giving more and more of me, which I intend to carry back into society were I to be paroled." He asked for the opportunity to show the skills that he has learned through rehabilitation.

A Board Member acknowledged that Mr. Robles accomplished a good deal of rehabilitative programming, including 21 programs since the last hearing. When asked which programs were most beneficial to him, Mr. Robles cited the Correctional Recovery Academy (CRA), the Alternatives to Violence program (ATV), and Men's Work classes. Mr. Robles noted that he acts as a facilitator in the CRA and the ATV program, and that he finds the role rewarding. Mr. Robles also spoke about his history of suicide attempts early in his incarceration, his two transfers to Bridgewater State Hospital, and his mental health history.



Mr. Robles described his mental health symptoms as depression and anxiety related to incarceration. Mr. Robles said that early in his incarceration, he would exaggerate his mental health symptoms because he felt gang-related danger and wanted to be transferred to a safer institution. One Board Member noted that Mr. Robles does not have a history of any major mental illness or psychosis, and that he has learned skills to cope with his situational depression and anxiety.

Mr. Robles described the murder in a manner consistent with the official versions. Mr. Robles stated that he had turned 17 eight days before the murder. He was recruited by Mr. Lozada into the gang while at Job Corps and was chosen to kill Mr. Santiago. Mr. Robles said that he was told that Mr. Santiago was to be killed because he had refused to kill a female staff member at Job Corps. Mr. Robles stated that they left Job Corps with Mr. Santiago, telling him that he would have another chance to kill the staff member. Once they got Mr. Santiago into the woods, however, Mr. Robles jumped him from behind. Mr. Lozada and Mr. Hernandez took Mr. Robles' belt, put it around Mr. Santiago's neck, and pulled on each end, while Mr. Robles kicked Mr. Santiago in the face and stomach. After the beating, they realized Mr. Santiago was still breathing, so they threw him into the river.

When asked how he felt after the murder, Mr. Robles stated, "I was lost. I wasn't really catching the reality of everything that was happening." When asked how he copes with what he had done, Mr. Robles stated, "I don't, sir. It's not something I can get over. It's not easy to talk about it today ... or any time. When I talk to people about it, their faces change, their attitude towards me change, it's not easy. This happens over and over again. This is not something that I, I don't know if I can get rid of it." Mr. Robles renounced his affiliation with the gang, and the Department of Correction confirmed his disaffiliation in 2010. When asked about his parole plan, Mr. Robles stated that he hoped to go to minimum security in Pondville, where there is a step-down program. After, he hoped to go to a long-term residential "Steps to Solution" program. He has the support of his family, most of whom live in Connecticut. Mr. Robles stated that he would like to be a roofer.

The Board considered the testimony of Mr. Robles' mother and sister, and a female friend in the community, all whom provided support for his parole. The Board also considered the testimony of Hampden County Assistant District Attorney Howard Safford, who expressed opposition to parole based on the heinous nature of the crime. ADA Safford acknowledged, however, the positive steps that Mr. Robles had taken in actively pursuing rehabilitation in the last five years. Finally, the Board considered a letter opposing parole from Mr. Santiago's father, which was read into the record.

### **III. DECISION**

Mr. Robles had just turned 17 years old when he participated in the murder of Mr. Santiago. The Board recognizes the severe nature of Mr. Robles' crime. Since his last hearing, however, Mr. Robles has demonstrated a positive adjustment, coupled with significant program involvement. The Board is of the opinion that Mr. Robles has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration.

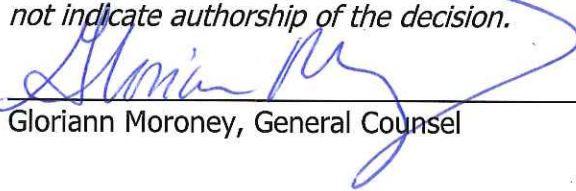


The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 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 has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Robles' risk of recidivism. In addition, the Board has taken into consideration Mr. Robles' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. After applying this standard to the circumstances of Mr. Robles' case, it is the opinion of the Board that Mr. Robles merits parole at this time, subject to special conditions, and after completion of 18 months in lower security and the acceptance of an appropriate long-term residential program.

**SPECIAL CONDITIONS:** Waive work for long-term residential program; Must be at home between 10:00 pm and 6:00 am or at parole officer discretion; Electronic monitoring for 6 months, then at parole officer discretion; Supervise for drugs and alcohol, testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact or association with co-defendants; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition; Require Long Term Residential Treatment; Mandatory SPAN.

*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

10/24/16  
Date