

**Maura T. Healey**  
Governor

**Kimberley Driscoll**  
Lieutenant Governor

**Terrence M. Reidy**  
Secretary

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

**PAROLE BOARD**

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**Tina M. Hurley**  
Chair

**Daniel Nakamoto**  
Acting Executive Director

**RECORD OF DECISION**

**IN THE MATTER OF**

**JOSE ROSARIO**  
**W69920**

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** August 10, 2023  
**DATE OF DECISION:** December 11, 2023

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Tina M. Hurley, James Kelcourse

**VOTE:** Parole is granted, after one year in lower security, to long-term residential program.

**PROCEDURAL HISTORY:** On September 6, 2001, in Hampden Superior Court, Jose Rosario pleaded guilty to second-degree murder in the death of Gilberto Santos Rodriguez. She was sentenced to life in prison with the possibility of parole.<sup>1</sup> Parole was denied following an initial hearing in 2014 and a review hearing in 2019. Ms. Rosario, 52 years old, appeared before the Board for a review hearing on August 10, 2023. The Board's decision fully incorporates by reference the entire video recording of Ms. Rosario's August 10, 2023 hearing.

**STATEMENT OF THE CASE:** On August 28, 1999, Ms. Rosario, then 28 years old, participated in the stabbing death of Gilberto Santos Rodriguez (22 years old) in Holyoke. Ms. Rosario and her co-defendant, Ramon Santiago, met Mr. Rodriguez, brought him to an underpass under Route 391, and beat him over a drug related dispute. Ms. Rosario then held Mr. Rodriguez while Mr. Santiago stabbed Mr. Rodriguez approximately 20 times. Mr. Rodriguez died from severe blood loss due to multiple stab wounds to his neck, chest, back, and forearms.

**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

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<sup>1</sup> The Board uses female pronouns in this decision, as Ms. Rosario self-identified as female during the hearing.

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 inmate'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 inmate'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 inmate at the time of the offense, the criminal record, the institutional record, the inmate'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:** Ms. Rosario has been incarcerated for approximately 24 years. She has invested in her rehabilitation by addressing the precipitants which led to her offense. She has a significant period of sobriety. She has been a vital member of the HSU companion program and was paired for four years with an individual with multiple needs, which she noted had taught her empathy. Ms. Rosario has participated in multiple violence reduction programs and received her OSHA certification. She requested a long step down so she may continue with programming. The Board recommends that Ms. Rosario engage in substance abuse programming. The Board considered the testimony of Assistant District Attorney Michael Julien of the Hampden County District Attorney's Office, who spoke in opposition, and a letter from the victim's family in opposition to parole, which was read by the Victim Service Unit. The Board also considered the testimony of Ms. Rosario's daughter, her daughter's mother, and a friend who spoke on her behalf.

**SPECIAL CONDITIONS:** Waive work for Long-Term Residential Program; Curfew: must be at home between 10PM and 6AM or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA parole office on day of release; No contact or association with gangs/gang activities; No contact with victim's family; Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for transition issues and depression; Long-Term Residential Program.

*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

12/11/2023

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Date