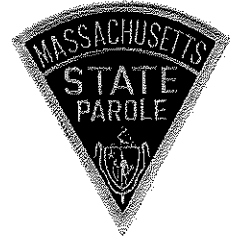


The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



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**DECISION**

**IN THE MATTER OF**

**LIONEL RODRIGUEZ**

**W87065**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** February 13, 2018

**DATE OF DECISION:** October 23, 2018

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 a suitable candidate for parole. Parole is granted to an approved home plan after 9 months in lower security, with special conditions.

**I. STATEMENT OF THE CASE**

On February 2, 2006, in Bristol Superior Court, Lionel Rodriguez was convicted at jury trial of murder in the first degree, on a theory of extreme atrocity and cruelty, in the death of George Carpenter. A sentence of life in prison without the possibility of parole was imposed on Mr. Rodriguez for the murder of Mr. Carpenter. Mr. Rodriguez appealed his conviction. On August 9, 2010, the Supreme Judicial Court concluded "that errors in the admission of autopsy photographs and testimony of the medical examiner created a substantial likelihood of a miscarriage of justice..." regarding the conviction of murder in the first degree. The conviction of Mr. Rodriguez was reduced to murder in the second degree. A sentence of life in prison with the possibility of parole was then imposed on Mr. Rodriguez for the murder of Mr. Carpenter.

In the early morning hours of February 16, 2001, George Carpenter was socializing and drinking at a friend's home. At some point, the friend's son, Ryan Marshall, arrived home with his girlfriend and three additional friends, Robert Tirado, Jonathan Torres, and Heather Lawrence. An argument broke out between Mr. Carpenter, Mr. Marshall, and Mr. Tirado. Mr. Carpenter attempted to leave the gathering, but was prevented from doing so by Mr. Tirado, who slashed the tires of Mr. Carpenter's car. Lionel Rodriguez, Orlando Badillo, and Dennis Smith then arrived on the scene. Mr. Marshall, Mr. Tirado, Mr. Rodriguez, Mr. Badillo, and Mr. Smith attacked Mr. Carpenter. During the attack, Mr. Carpenter was struck with a tire iron, kicked multiple times, and beaten. Mr. Carpenter eventually lost consciousness, dying later that day as a result of internal bleeding caused by blunt force trauma.

## **II. PAROLE HEARING ON FEBRUARY 13, 2018**

Lionel Rodriguez, now 41-years-old, appeared before the Parole Board on February 13, 2018 for a review hearing. Mr. Rodriguez had been denied parole after his initial hearing on February 2, 2016. He was represented by Harvard Prison Legal Assistance Project Student Attorneys Yun Ling Chong and Regina Powers. In his opening statement to the Board, Mr. Rodriguez expressed his remorse and apologized to the Carpenter family for taking George Carpenter's life.

The Board questioned Mr. Rodriguez about his criminal activities prior to the murder of Mr. Carpenter. Mr. Rodriguez stated that, at 14-years-old, he thought an individual was going to fight him, so he took his friend's gun and fired it over the individual's head. Mr. Rodriguez said he was arrested and placed on probation for the shooting. He also said that he was arrested for another shooting, when one of his friends fired a gun at someone. Mr. Rodriguez explained that although the charges were later dismissed, he recognizes that he should not have been associating with a group of people that would shoot others. When the Board questioned him about the murder of Mr. Carpenter, Mr. Rodriguez said that he joined the attack out of a sense of misplaced loyalty. Mr. Rodriguez recognizes that, as the oldest member of the group, he had the ability to influence the group of younger assailants and could have prevented the murder. Mr. Rodriguez explained that he was using and dealing drugs at the time of the murder. He admitted to leading a very immature lifestyle, despite being the father of three children.

The Board noted that Mr. Rodriguez completed many programs and questioned him as to which he found to be the most beneficial. Mr. Rodriguez said that he has been sober for 17 years. He attended Alcoholics Anonymous and completed the Correctional Recovery Academy (CRA). He explained that the CRA was particularly helpful at "danger spotting," i.e. identifying stressors and triggers that can lead to bad decisions. Mr. Rodriguez said that both the Restorative Justice program and the Patient Companion program helped him become a positive force in the world, rather than a negative one. For his parole plan, Mr. Rodriguez requests a step down to lower security for 6 to 9 months and to complete the Milford Automotive Program. Prior to re-entry, Mr. Rodriguez would like to spend an additional 3 months in a pre-release facility. He plans on living with his fiancée in New Bedford (with their 2 children) and finding work as an auto mechanic.

Mr. Rodriguez's family attended the hearing and sent letters in support of parole. In addition, Mr. Rodriguez's sister, daughter, uncle, and friend spoke in support of parole. Bristol County Assistant District Attorney Michael Sheehan testified in opposition to parole.


### III. DECISION

The Board is of the opinion that Lionel Rodriguez has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society.

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. Rodriguez'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. Rodriguez's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Rodriguez's case, the Board is of the unanimous opinion that Lionel Rodriguez merits parole at this time. Parole is granted to an approved home plan after 9 months in lower security, with special conditions.

**SPECIAL CONDITIONS:** Approve home plan before release; Waive work for 2 weeks; Must be at home between 10pm and 6am; Electronic monitoring - GPS for 6 months at Parole Officer's discretion; Supervise for drugs, testing in accordance with agency policy; Supervise for alcohol abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adjustment/transition; Attend AA/NA at least 3 times/week.

*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.*

  
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Gloriann Moroney, General Counsel/Executive Director

10/23/18  
Date