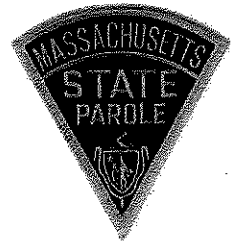


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

LUIS RIVERA

W47511

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 17, 2018

DATE OF DECISION: March 25, 2019

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 that the inmate is a suitable candidate for parole.¹ Parole is granted to Interstate Compact - Puerto Rico 2 weeks following the issuance of the Record of Decision, but not before 2 years in lower security and with special conditions.

I. STATEMENT OF THE CASE

On November 30, 1989, in Hampden Superior Court, Luis Rivera pleaded guilty to two counts of second degree murder. He was sentenced to two concurrent life sentences with the possibility of parole.

In the summer of 1989, in Springfield, 19-year-old Luis Rivera and his co-defendant, 23-year-old Ramon Rosario, shot and killed 21-year-old Jerel Bailey and 21-year-old José Davilla. On August 19, 1989, Springfield police officers responded to a report of shots fired on Worthington Street and to men running with rifles on Ingersoll Grove. When the officers arrived on Ingersoll Grove, they came upon two males matching witness descriptions, who were running in nearby woods and carrying rifles. As the officers began to pursue the suspects, one

¹ Two Board Members voted to deny parole with a review hearing in two years.

of the suspects fired his gun. When more officers arrived at the scene and surrounded them, the two suspects put down their weapons and surrendered. At the same time, other police officers responded to Worthington Street, where they found a victim suffering from serious gunshot wounds. Minutes later, officers found a second victim with a serious gunshot wound on Hannon Street. After Mr. Rivera and Mr. Rosario were arrested, they told police that their motive for killing the victims involved an escalating feud between the men. Both Mr. Bailey and Mr. Davilla would later die from their wounds.

II. PAROLE HEARING ON JULY 17, 2018

On July 17, 2018, Luis Rivera, now 48-years-old, appeared before the Parole Board for a review hearing. He had a Spanish interpreter at his hearing and was not represented by counsel. Mr. Rivera had been granted parole to Puerto Rico after his initial hearing in 2004. On or about May 15, 2006, Mr. Rivera received an added condition to his parole supervision that he complete a substance abuse program, after admitting to his parole officer that he had used cocaine. In 2015, Mr. Rivera was fined for getting into a bar fight in Puerto Rico, where he assaulted the other combatant with a pool stick. As a result of the bar fight, as well as the fact that he failed to report the fight to his parole officer, Mr. Rivera was returned to custody in Massachusetts, and his parole was revoked. Mr. Rivera's parole was denied at his next review hearing in July 2015.

In his opening statement to the Board, Mr. Rivera apologized to the families of his victims. He also apologized for not being honest about his parole violations at his last hearing and explained that he has learned a lot over the last three years. The Board noted that Mr. Rivera had been on parole for 10 years with minimal problems and asked whether the bar fight (that led to his revocation) was a "bad day," or whether there had been other incidents leading up to the fight. Mr. Rivera revealed that about 6 years after being paroled, he began drinking every other weekend. Mr. Rivera recognized that, per the conditions of his release, he never should have been drinking in the bar that night or out past his curfew. He did not report the fight, nor the alcohol, to his parole officer because he was in denial and had been hiding his addiction. Mr. Rivera added that while alcoholism contributed to his violations, he recognized that he also needed to address his mental health issues involving his anxiety and criminal thinking. Mr. Rivera told the Board that through the completion of Correctional Recovery Academy (CRA), Cognitive Behavioral Therapy (CBT), Emotional Awareness, Anger Management, and over 20 other programs, he now has the understanding and tools to avoid the problems that resulted in his revocation.

When Board Members questioned him as to why he killed the men, Mr. Rivera responded that he was young and impulsive at the time of the murder. He explained that he was susceptible to peer pressure and that the events seemed to escalate very quickly. Mr. Rivera stated, however, that youth did not excuse his actions. The Board noted that either he, or his co-defendant, was reported as shooting at the police officers who pursued them. Mr. Rivera remembered running through the woods and, when he tripped, his gun went off. He denied shooting at the police.

Mr. Rivera asked the Board to release him back to his family's home in Puerto Rico. Mr. Rivera said that he would continue to attend Alcoholics Anonymous and Narcotics Anonymous, as well as the programs he was involved in before his parole was revoked. He told the Board

that he has an offer to return to his old job, and that he would resume participation in religious services and community activities. Mr. Rivera assured the Board that he has the support of his father, his aunt and uncle, his ex-girlfriend's children, and his friends in Puerto Rico.

Mr. Rivera's adoptive mother and his stepson, as well as several friends and neighbors, sent letters in support of parole. Hampden County Assistant District Attorney Howard Safford testified in opposition to parole and sent a letter of opposition.

III. DECISION

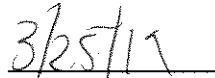
The Board is of the opinion that Luis Rivera has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Rivera was under supervision for about 11 years. Since his re-incarceration, he has invested in his rehabilitation and remained disciplinary free. He has family support. Mr. Rivera will benefit from a transition through lower security. He meets the legal standard.

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. Rivera'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. Rivera's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Rivera's case, the Board is of the opinion that Luis Rivera merits parole at this time. Parole is granted to Interstate Compact - Puerto Rico 2 weeks following the issuance of the Record of Decision, but not before 2 years in lower security and with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Release to Interstate Compact Puerto Rico; Waive work for two weeks; Must be home between 10:00 pm and 6:00 am; Electronic monitoring; Must take prescribed medicine; 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 the victim of his assault and battery in Puerto Rico; No contact with victim's family (Jerel Bailey and José Davilla); Counseling for anxiety; AA/NA at least 3 times per 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.


Shara Benedetti, Acting General Counsel


Date