

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



**PAROLE BOARD**

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*Lieutenant Governor*

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*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**MIGUEL VALENTIN  
W55389**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** June 29, 2021

**DATE OF DECISION:** February 8, 2022

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa<sup>1</sup>

**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 not a suitable candidate for parole. Parole is denied with a review in two years from the date of the hearing.<sup>2</sup>

**I. STATEMENT OF THE CASE**

On November 4, 1993, in Suffolk Superior Court, Miguel Valentin pleaded guilty to the second degree murder of 18-year-old Alexander Rodriguez and was sentenced to life in prison with the possibility of parole. On that same day, he pleaded guilty to unlawful possession of a firearm and received a 4-5 year sentence to run concurrent with his life sentence. Mr. Valentin filed two motions to withdraw his guilty plea and request a new trial. Both motions were denied.

On December 14, 1992, Miguel Valentin (age 17) armed himself with a sawed-off shotgun and fatally shot Alexander Rodriguez in the streets of Jamaica Plain. Mr. Valentin and his brother, Jovina Rivera, were driving to their grandmother's house. As they drove past the Jackson MBTA station, they encountered a group of young men. They continued driving until a rock shattered the back window of their car. Mr. Valentin suspected that someone in the group

<sup>1</sup> Chair Gloriann Moroney recused.

<sup>2</sup> One Board Member voted to grant parole to a long-term residential program after two years in lower security.

of young men threw the rock, and that they were members of a rival gang. Mr. Valentin and Mr. Rivera went to a friend's house, where they acquired two sawed-off shotguns. A friend, David Lopez, decided to join the two brothers in tracking down the gang members (whom they suspected) broke the car window. Eventually, they encountered Mr. Rodriguez in a convenience store in Jamaica Plain. As Mr. Rodriguez exited the store, Mr. Valentin, Mr. Rivera and Mr. Lopez (who were armed with two sawed-off shotguns) approached him. Mr. Valentin shot Mr. Rodriguez three times. Witnesses reported seeing Mr. Valentin and his two accomplices run into Mr. Valentin's grandmother's house, where they were apprehended by police. Mr. Valentin confessed to the shooting of Mr. Rodriguez.

## **II. PAROLE HEARING ON JUNE 29, 2021**

Miguel Valentin, now 46-years-old, appeared before the Parole Board on June 29, 2021, for a review hearing. He was represented by Attorney Michael Borbeau. Mr. Valentin was denied parole after his initial hearing in 2007, and after his review hearings in 2013 and 2018. Attorney Borbeau offered an opening statement on behalf of Mr. Valentin, after which Board Members questioned Mr. Valentin as to the governing offense. Mr. Valentin accepted responsibility for his crime, stating that he was remorseful and wished to "take it back." He reported that the victim, Alexander Rodriguez, had been a member of a group that threw a snowball-covered rock at his vehicle. Mr. Valentin now believes that he and his co-defendants were not specifically targeted, but rather, that the incident was a random act of mischief. Nonetheless, he admitted to conceiving the idea to retrieve shotguns from a nearby residence, as well as shooting Mr. Rodriguez. Mr. Valentin acknowledged a violent and abusive childhood, stating that he harbored resentment from being bullied. He was tired of suffering from abuse and did not think before retrieving the weapons.

The Board questioned Mr. Valentin as to his institutional adjustment, paying particular attention to two disciplinary reports received after his 2018 parole hearing. In 2020, Mr. Valentin received a disciplinary report for damaging his personal property and for engaging in conduct that interfered with the security of the facility. Mr. Valentin explained that he was extremely ill and had voluntarily reported to medical due to a COVID-19 infection. To attract the attention of staff, and thereby obtain treatment, Mr. Valentin claimed that he was forced to destroy his own property. The 2021 disciplinary incident stated that Mr. Valentin used obscene language to a correctional officer, banged his fists on a table, broke his own glasses, and aggressively approached a correctional officer. Although he acknowledged shouting and banging his fists on the table, Mr. Valentin denied smashing his glasses, stating that the lenses merely came out. He explained that he had prior issues with the officer and had requested to speak with a supervisor. When his request was not fulfilled, Mr. Valentin admitted that he became angry and engaged in the cited behavior.

Upon Board Member questioning regarding mental health, Mr. Valentin reported that he feels stable and has discontinued his medications. He informed the Board that he manages his emotions by working and "staying busy." When he feels unstable, Mr. Valentin reaches out to mental health staff for assistance. He further explained that he has several supporters in the community whom he could rely on, if paroled. The Board commented, however, on a 2018 evaluation submitted by Dr. Frank DiCataldo. The evaluation indicated that, although some of the anti-social features of Mr. Valentin's mental health diagnoses appeared to have dissipated with age, his emotional stability remained a "core concern."

The Board considered testimony in support of parole from Attorney Lauren Petit, formally of Prisoner Legal Services and Kim Mortimer, a forensic mental health clinician. The Board also considered a letter of opposition from Deputy Superintendent James Miller of the Boston Police Department.

### **III. DECISION**

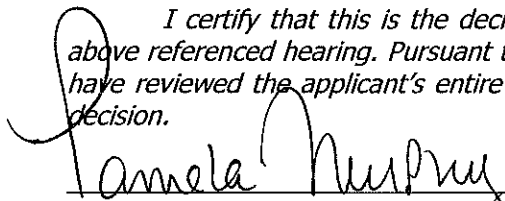
The Board is of the opinion that Miguel Valentin has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Valentin is serving a sentence for the murder of 18-year-old Alex Rodriguez. He has been incarcerated for approximately 29 years. Although he has made some progress, the Board is still concerned with his limited ability to cope with stressors. Mr. Valentin has decompensated as recently as January 2021, as evidenced by an incident that demonstrated poor control over his emotions and aggression. The Board reviewed 2018 expert evaluations from Dr. Frank DiCataldo and a more recent reentry plan dated June 17, 2021, from licensed Mental Health counselor Kimberly Mortimer. The Board encourages Mr. Valentin to continue with mental health and CBT (cognitive behavioral therapy) to address his mood instability, coping skills, and managing stress.

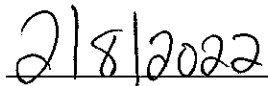
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 of 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 the 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 pressure, 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 also recognized the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board also considered the psychological evaluation of Mr. Valentin, prepared by Dr. DiCataldo, as well as the Board's own risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Valentin's risk of recidivism. The Board considered Mr. Valentin's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. After applying this standard to the circumstances of Mr. Valentin's case, the Board is of the opinion that Miguel Valentin is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Valentin's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Valentin to continue working toward 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.*

  
Pamela Murphy, General Counsel

  
Date