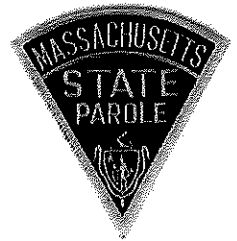


The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



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**DECISION**

**IN THE MATTER OF**

**MIGUEL VALENTIN**

**W55389**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** June 26, 2018

**DATE OF DECISION:** April 24, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

**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 the 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 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, who 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 (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 26, 2018**

Miguel Valentin, now 43-years-old, appeared before the Parole Board for a review hearing on June 26, 2018. He was represented by Attorney John Rull. Mr. Valentin was denied parole after his initial hearing in 2007 and, again, after his review hearing in 2013. In his opening statement to the Board, Mr. Valentin apologized to the victim's family, stating that he was ashamed of his actions on the day of the murder. Board Members, noting that Mr. Valentin was 17-years-old when he committed the murder, questioned him about any mental health issues or abuse that might have contributed to his decision to murder Mr. Rodriguez. Mr. Valentin explained that as a teen, he was full of "pent-up rage," which he attributed to being both physically and psychologically abused by his father. He described himself as a hostile and violent young man. Mr. Valentin revealed that he had been admitted to a mental health treatment center at age 8 or 9, after he tried to strangle a boy in school. Mr. Valentin reported that he was removed from his home at age 14, when teachers discovered that he was being abused.

Board Members questioned Mr. Valentin about the murder. He recounted how someone threw a snowball with a rock through his car window, which triggered him, so he obtained two guns "on the street." Mr. Valentin recalled how he shot Mr. Rodriguez, whom he believed to be in a gang, three times with a sawed-off shotgun. The Board noted that upon his incarceration, Mr. Valentin associated with a security threat group. He had accrued over 100 disciplinary reports before his initial hearing in 2007, 28 disciplinary reports between 2007 and 2013, and 8 disciplinary reports between 2013 and the present hearing. Mr. Valentin stated that he was in the process of renouncing his security threat group affiliation. He explained that his most recent disciplinary reports were for episodic drug use, triggered by the death of his friend and his grandmother. Mr. Valentin claims that he has been clean and sober since January 2017.

A Board Member questioned Mr. Valentin as to whether he had accomplished any positive changes since his incarceration. Mr. Valentin said that earned his G.E.D and, since stepping down to lower security, worked in a supply warehouse for the prison. He is also the Latin Co-Camp Chairman of the Norfolk Inmates Council. He felt that his participation in Alternatives to Violence, Jericho Circle, and Correctional Recovery Academy programs have helped him identify emotional triggers and have allowed him to walk away from conflict. Mr. Valentin reported that he sees a mental health counselor once every three months and takes medication for Post-Traumatic Stress Disorder, Impulsive Disorder and anxiety. He also participates in a weekly mental health group called the "Goodness Program."

Mr. Valentin requested a step-down to a lower security facility for a year, followed by release to a long term residential program or to the Residential Department of the Mental Health Forensic Transition Team Program. Following completion of a residential program, Mr. Valentin plans to live with his girlfriend and work as a landscaper. He also plans to attend Alcoholics Anonymous/Narcotics Anonymous and to seek a mental health counselor. Based on his psychological evaluation, Dr. DiCataldo reported that Mr. Valentin has problems with emotional regulation stemming from Post-Traumatic Stress Disorder, but that Mr. Valentin is learning to manage his emotions, as evidenced by his declining rate of disciplinary reports. Dr. DiCataldo testified that his psychological evaluation highlights Mr. Valentin's triggers, such as threat sensitivity, loud yelling, and emotional rejection that have led to episodic drug use, from which he has been recovering.

Mr. Valentin's brother, girlfriend, an attorney (formerly from Prisoners Legal Services), and a friend testified in support of parole. Three friends sent letters in of support of parole. The Suffolk County District Attorney's Office sent a letter in opposition to parole. Boston Police Commissioner William Evans sent a letter in opposition to parole, as well. A letter in opposition to parole, written by the victim's sister, was read by a Victims Services Coordinator.

### **III. DECISION**

It is the opinion of the Board that Mr. Valentin has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. A longer period of positive adjustment and program compliance is necessary. Mr. Valentin should apply for Department of Mental Health services.

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 unanimous 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 three years from the date of this hearing. During the interim, the Board encourages Mr. Valentin to continue working towards 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.*

  
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Shara Benedetti, Acting General Counsel

4/24/19  
Date