



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

MYLES MIRANDA

W57000

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 9, 2019

DATE OF DECISION: January 21, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

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, the criminal record, the 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.² Parole is denied with a review scheduled in three years from the date of the hearing.³

I. STATEMENT OF THE CASE

On August 17, 1994, in Barnstable Superior Court, Myles Miranda was convicted by a jury of armed robbery while masked. He and his co-defendant, Salahuddin Ali, were sentenced to serve life in prison. A second co-defendant, Anthony Rose, received a sentence of 12 to 18 years. The Massachusetts Appeals Court affirmed the convictions and orders denying motions for new trial and reconsideration.⁴

¹ Board Member Treseler was present for the hearing, but was no longer a Board Member at the time of vote.

² One Board Member voted to grant parole, subject to certain conditions.

³ One Board Member voted to deny parole with a 2 year review.

⁴ See *Commonwealth v. Ali*, 43 Mass. App. Ct. 549 (1997); *Commonwealth v. Miranda*, 46 Mass. App. Ct. 1122 (1999).

In the weeks leading up to September 25, 1993, Mr. Miranda and his co-defendants met numerous times in the basement of the home he shared with his girlfriend. Mr. Rose brought several stolen dirt bikes to Mr. Miranda's home and stored them in the basement. One of these dirt bikes was used as the vehicle that transported Mr. Ali and Mr. Rose to the location of the governing offense. On the evening of September 24, 1993, all three co-defendants discussed what time they would meet the next day.

On September 25, 1993, Mr. Ali and Mr. Rose took one of the stolen dirt bikes from Mr. Miranda's home. The three men agreed that Mr. Miranda would pick Mr. Ali and Mr. Rose up at the Cotuit Water Tower after they robbed the Plymouth Savings Bank in Cotuit. At approximately 10:30 in the morning, Mr. Ali and Mr. Rose, wearing black with their faces covered, drove to the bank on the stolen dirt bike. Mr. Ali dismounted, pulled out what appeared to be a gun⁵, and entered the bank while Mr. Rose circled outside. Inside, Mr. Ali brandished the "gun," ordered everyone to the floor, vaulted the counter, and told the bank's manager to empty the cash drawers into a bag. He then ordered the manager onto the floor and went into her office where a window was later found broken. He left the bank through the front door and escaped on the dirt bike. Mr. Ali and Mr. Rose got away with approximately \$5,900.

As agreed upon, Mr. Miranda picked up Mr. Ali and Mr. Rose at the Cotuit Water Tower and returned with them to his home where they split the proceeds from the robbery. In the days following the robbery, witnesses observed Mr. Miranda in possession of large amounts of cash. Mr. Miranda's girlfriend confronted him about the robbery, to which he admitted waiting for his co-defendants at the water tower, but denied entering the bank.

II. PAROLE HEARING ON APRIL 9, 2019

Myles Miranda, now 62-years-old, appeared before the Parole Board for a review hearing on April 9, 2019. He was not represented by counsel. Mr. Miranda had been denied parole after both his initial hearing in 2009, and his review hearing in 2014. While describing the crime as a "selfish act" for which he takes responsibility, Mr. Miranda asked for forgiveness from both the victims and the witnesses. He now realizes that he has no one to blame, but himself, for his situation. Mr. Miranda explained that his involvement with law enforcement began when he was just 7-years-old. He suffered abuse as a child and adolescent, leading him to run away and live amongst criminals. Mr. Miranda admitted to the Board that prior to the governing offense, he served time at Bridgewater State Hospital for a sex offense. There, he left a work release program and escaped to California, where he committed additional crimes under an alias. Mr. Miranda stated that he sold cocaine to support himself when he was on the run, but that he has not used cocaine since 1996.

When questioned about the governing offense, Mr. Miranda said that he was doing well and working two jobs at the time. He admitted, however, that he was the "facilitator" of the robbery. The Board noted that four or five meetings were held at Mr. Miranda's home to plan the crime. In addition, stolen bikes (one of which was used in the robbery) were stored at his home. Mr. Miranda explained that he had purchased a firearm to be used in the robbery, but it was discarded by a relative before the crime. He said that on the day of the robbery, it was determined that his co-defendants would need a driver. Mr. Miranda volunteered to "wait at the tower" and, as long as he "was not going in the bank," he "[did not] care."

⁵ The weapon was a "fake" gun. See *Commonwealth v. Ali*, 43 Mass. App. Ct. 549, 561 (1997).

When Board Members discussed Mr. Miranda's program involvement, they noted the completion of his GED and his participation in a number of programs, including Emotional Awareness, Able Minds, and Correctional Recovery Academy. Mr. Miranda cited these programs in helping him to express empathy and identify his triggers. He explained that he has benefited from therapy and would like to increase meetings with his counselor. When Board Members asked why he had not participated in Sex Offender Treatment, Mr. Miranda explained that he was told he did not need it because his sex offense conviction had been overturned. He claims to have received some sex offender treatment when he was incarcerated in the 1970's. The Board discussed disciplinary history with Mr. Miranda and he acknowledged to the Board that he accrued 10 disciplinary reports since his last hearing, including reports for violating rules and disobeying orders. He incurred his most recent report two weeks before this hearing.

Although he has not received visits from them, Mr. Miranda told the Board that he maintains contact with family members who would support him, if granted parole. Recognizing the "huge readjustment issues" if he were released, Mr. Miranda requested a stepdown to lower security before release to a long-term residential program.

The Board considered letters in opposition to parole. Cape and Islands District Attorney Michael O'Keefe submitted a letter in opposition to parole, as well.

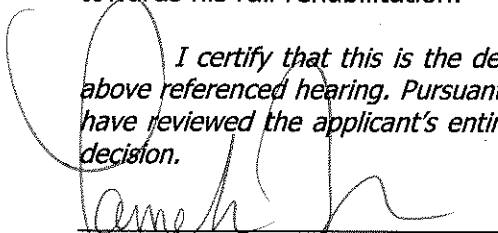
III. DECISION

Although he has made strides in his rehabilitation, Myles Miranda has yet to demonstrate a level of 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 into consideration Mr. Miranda's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Miranda's risk of recidivism. After applying this standard to the circumstances of Mr. Miranda's case, the Board is of the opinion that Myles Miranda is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Miranda'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. Miranda 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.


Pamela Murphy, General Counsel

1/21/2020
Date