



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

Parole Board

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599



Josh Wall
Chairman

DECISION

IN THE MATTER OF

MYLES MIRANDA

W57000

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 8, 2014

DATE OF DECISION: September 2, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Shelia Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

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. *Commonwealth v. Ali*, 43 Mass. App. Ct. 549 (1997).

On September 25, 1993, at approximately 10:30 in the morning, a dirt bike approached the Plymouth Savings Bank in Cotuit. The driver and passenger wore black and had their faces covered. The passenger dismounted in front of the bank, pulled out what appeared to be a gun, and entered the bank. The dirt bike circled outside. Inside, the robber brandished the "gun," described by eyewitnesses as a black and silver colored automatic, ordered everyone to the floor, vaulted the counter, and told the bank's manager to empty the cash drawers into a bag he had produced. 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. The thieves got away with approximately \$5,900. Another \$530 was recovered

inside the bank and outside the broken window of the manager's office. A knife and a lighter in the shape of an automatic handgun were found on the floor of the bank manager's office. Three pieces of black electrical tape were attached to the gun shaped lighter. Fingerprints left on the electrical tape matched Ali's left thumb and index finger. Eleven eyewitnesses, some of whom caught only short glimpses of the robbers, testified at trial. None could make a positive identification.

Prior to the robbery, Miranda lived with Lori Klein and Lori's teenage son. Rose and Ali frequently visited the house, and would meet in the basement. Rose and his brother brought and stored two stolen dirt bikes, one of which was recovered during the robbery investigation, in the basement of the house.

After the robbery was completed, Miranda, who had no money the week before, returned home with two new pairs of sneakers and two packages of socks. That afternoon, he and Klein went to a liquor store, where he spent between \$80 and \$100. Miranda then bought four new tires for Klein's car. The next day, Klein and Miranda went to a local mall. Klein, who had rarely seen Miranda with \$100 or \$200 before, estimated that he was carrying \$700. He paid cash for outfits for himself and Klein, and put down \$60 in layaway for a men's diamond ring. Miranda also repaid \$140 that he had borrowed from Klein's teenage son.

Before going to the mall, Klein saw a photograph of the dirt bike that had been in her basement in that day's Cape Cod Times. She talked with Miranda about it. He told her to read the newspaper article, but not to show it to her son. Miranda then said, *"You might as well hear it from me, I was waiting at the water tower. I was not in any bank."* He told her that Rose and Ali had been at the bank and that he had waited for them at the water tower, which is near where the dirt bike was ultimately recovered. Klein asked what would happen if her son saw the article and the picture of the dirt bike. Miranda told her they would tell him not to say anything except that the bike belonged to a friend down the street. He further told Klein not to drive her car in the Cotuit area for a couple of weeks. When Klein and Miranda returned home, they told her son about the newspaper photograph of the dirt bike. They instructed him not to tell anyone that they had had a dirt bike, but that if he were asked about it, to say that it belonged to a friend down the street.

II. CRIMINAL AND INSTITUTIONAL HISTORY

Miranda's criminal history began when he was 14 years old when he was arrested for breaking and entering in the night. His history of violent behavior continued with convictions for armed robbery, assault and battery, sodomy, rape, assault and battery on a correctional institutional guard, domestic assault and battery and an assault and battery on correctional guard while serving his current sentence.

With respect to his convictions for rape and sodomy, on September 21, 1975, Miranda and a group of three other inmates at the Barnstable County House of Correction severely beat, sodomized, and raped two other inmates. One of the victims was struck in the head with a wooden board. It was clear from the circumstances that Miranda planned this act of sexual violence against these inmates as a form of "initiation." Miranda committed this act while awaiting trial on the charge of armed robbery, for which he was eventually convicted in Barnstable Superior Court in 1975 and sentenced to serve seven years and one day.

As a result of his rape and sodomy convictions, on May 15, 1976, Miranda was sentenced in Barnstable Superior Court to concurrent terms of fifteen to twenty years and seven to ten years, to be served from an after his sentence for the armed robbery. At the close of evidence at this trial for rape and sodomy, the judge who presided over his jury-waived trial

foreclosed summations by counsel, reasoning that he is "giving no credibility whatsoever to the testimony of the three defendants. I don't believe a word they said. With that in mind, it would be superfluous to argue the case. I am finding them all guilty as charged." *Commonwealth v. Miranda*, 22 Mass. App. Ct. 10, 11 (1986). This was in error. On this basis alone, the Appeals court was "constrained to hold that the defendant was denied 'a basic right to make his defense.'" *Miranda*, 22 Mass. App. Ct. 10, 23 (1986).

On June 17, 1977, while his convictions for rape and sodomy remained valid, Miranda was found to be a Sexually Dangerous Person and was committed to the Bridgewater Treatment Center for one day to life. In February 1986, Miranda escaped from the Bridgewater Treatment Center while on work release and fled to California. He was extradited in July 1987 to Massachusetts. Following his successful appeal on the rape and sodomy convictions, Miranda was discharged from the Treatment Center in August 1987.

In November 1989, Miranda was arraigned on cocaine distribution charges, and was held at Barnstable House of Correction from November 1989 until June 1990, when he was released on \$2,000 bail. During his time on bail, Miranda was arrested three times, for assault and battery, shoplifting, and operating after revocation of his license. On February 27, 1991, Miranda was convicted in Barnstable Superior Court of the cocaine distribution charges and sentenced to a five to ten year sentence. That sentence, however, was set aside on appeal and the indictment was dismissed. *Commonwealth v. Miranda*, 415 Mass. 1 (1993).

Despite his appeals, Miranda's conviction for the armed robbery has been affirmed, and he continues to serve a life sentence.

Miranda has served twenty years of his life sentence. His institutional adjustment has been poor. He has incurred approximately 140 disciplinary reports; 23 have been received since his last parole hearing in 2009. The most notable involve violent and assaultive behavior; assault on an inmate and threatening a staff member on two separate occasions. When questioned by the Board as to why he continues to accrue disciplinary reports, he stated "I opened a can of worms that I never should have opened," "when they demean me, I felt I had to react, so I just say anything about mother, children, etc..."

Miranda's programming to address his issues of assaultive and violent behavior continues to be limited. Since his last hearing he has completed Alternatives to Violence-Basic, Correctional Recovery Academy, and CORE I and II. He remains unemployed and reports attending Narcotics Anonymous.

III. PAROLE HEARING ON APRIL 8, 2014

This is Miranda's second appearance before the Board. After the initial hearing in 2009, parole was denied with a five year review. Miranda's previous parole denial focused on his criminal history, poor institutional adjustment, and minimal programming. At this hearing, Miranda began by asserting, "my apologies to them people." He was questioned extensively about his poor institutional behavior. When asked if he knew how many disciplinary reports he had received, he responded, "Too many to count." He advised the Board that of the 23 new disciplinary reports he has received since his last hearing, he "owns five or six."

The Board acknowledged Miranda's program participation since his last hearing. A Board Member pointed out that it appeared Miranda did not practice the skills and coping mechanisms he should have acquired in the violence reduction courses when on July 15, 2013, he received a disciplinary report for fighting with another inmate resulting in his being placed in segregation for five days.

No one testified in support of or in opposition to parole release.

IV. DECISION

Myles Miranda is an offender who continues to display his lack of rehabilitation by accruing disciplinary reports that are violent in nature, despite his programming to address his admitted issues of "self-control." His 23 disciplinary reports since his last hearing exhibit serious behavioral issues: fighting; attempting to incite a demonstration; refusing a direct order; throwing juice under door; smearing fecal matter onto cell window; attempting to kick staff; creating emergency by feigning illness; and threatening staff. He is too dangerous to live in the community.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard, the Parole Board finds that Mr. Miranda is not a suitable candidate for parole at this time because he is not rehabilitated. The review will be in five years from the date of the hearing, during which time Mr. Miranda should commit to rehabilitation to address issues of anger, violence, impulsive behavior, criminal thinking, defiant behavior, and lack of empathy.

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.


Janis DiLoreto Smith, General Counsel


Date