

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



PAROLE BOARD

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Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF

**NELSON RODRIGUEZ
W65587**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 24, 2021

DATE OF DECISION: September 27, 2021

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

STATEMENT OF THE CASE: On November 18, 1998, in Bristol Superior Court, a jury convicted Nelson Rodriguez of first-degree murder in the death of Felipe Barros. He was sentenced to life in prison without the possibility of parole. Mr. Rodriguez was also found guilty of possession of a firearm and sentenced to a concurrent sentence of two and one half to four years. In 2010, Mr. Rodriguez filed a Rule 30 motion for a new trial on the grounds that it was a violation of his constitutional rights to have the courtroom closed during jury selection. He was granted a new trial and, on February 11, 2014, pleaded guilty in Bristol Superior Court to second degree murder, which resulted in a life sentence with parole eligibility at 15 years. Because he had already served over 16 years, Mr. Rodriguez became eligible for parole after sentencing.

Mr. Rodriguez appeared before the Parole Board for a review hearing on June 24, 2021, and was represented by Attorney Rebecca Rose. This was Mr. Rodriguez's first appearance before the Board since his revocation hearing in 2021. Mr. Rodriguez was previously released on medical parole on January 8, 2021, but his parole was revoked because he was no longer eligible for medical parole. The entire video recording of Mr. Rodriguez's June 24, 2021, hearing is fully incorporated by reference to the Board's decision.

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

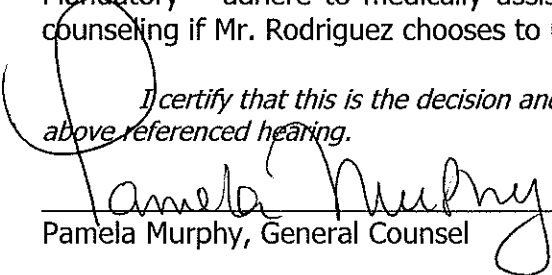
vote that the inmate is a suitable candidate for parole. Reserve to approved home plan. Mr. Rodriguez demonstrated that he can be a law-abiding citizen in the community while on medical parole. He has a solid support network that will assist him as he reintegrates and continues to address his ongoing medical issues. He accepts responsibility and appears very remorseful for the crimes for which he is incarcerated. Based on his presentation at the hearing and his time on medical parole, release meets the legal standard. Mr. Rodriguez must remain compliant with medically assisted treatment.

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."

In forming this opinion, the Board has taken into consideration Mr. Rodriguez'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. Rodriguez's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Rodriguez's case, the Board is of the opinion that Mr. Rodriguez is rehabilitated and merits parole at this time.

Special Conditions: Reserve to approved home plan; Waive work for medical; Curfew must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring at P.O. discretion only if medically impossible; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Must take prescribed medication; Report to assigned MA Parole Office on day of release; No contact with victim(s) family; Must have counseling for adjustment if medically possible; Must have substance abuse counseling if medically possible; Mandatory – sign release of medical records prior to release; Mandatory – adhere to medically assisted treatment protocol to include 1:1 substance abuse counseling if Mr. Rodriguez chooses to use MAT and it is medically possible.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel

9/27/2011

Date