



**Charles D. Baker**  
Governor

**Karyn Polito**  
Lieutenant Governor

**Daniel Bennett**  
Secretary

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

**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

*Telephone # (508) 650-4500*

*Facsimile # (508) 650-4599*



**Paul M. Treseler**  
Chairman

**Michael J. Callahan**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**NICO ROSADO**  
**W55156**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** March 24, 2016

**DATE OF DECISION:** August 11, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, 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 majority vote that the inmate is a suitable candidate for parole.<sup>1</sup> Reserve to Interstate Compact with Puerto Rico (with special conditions) upon completion of one year in lower security, during which time Mr. Rosado must remain disciplinary report free and program compliant.

**I. STATEMENT OF THE CASE**

On October 1, 1993, in Hampden Superior Court, Nico Rosado pled guilty to accessory before the fact of second degree murder. He was sentenced to life in prison with the possibility of parole, after serving 15 years. On that same day, he also received a concurrent sentence of 19 to 20 years for conspiracy to murder. That sentence has expired. The victim of this offense was Arnaldo Esteras.

There were five co-defendants in this case, in addition to Mr. Rosado. All were members of a prominent gang in Springfield. Alex Delgado and Hector Arraiga were convicted of first degree murder and sentenced to life in prison without the possibility of parole. Ismael

<sup>1</sup> Five Board Members voted to parole Nico Rosado: Reserve to Interstate Compact via Puerto Rico, with special conditions, after successful completion of one year in lower security. Two Board Members voted to deny parole with a review in two years.

Cintron was convicted of second degree murder and sentenced to life in prison with the possibility of parole in 15 years. Ismael Cruz Gonzalez was sentenced to 15 to 20 years for manslaughter, and Hugo Morales was sentenced to 5 to 7 years for conspiracy.

On September 13, 1992, Arnaldo Esteras was murdered on the streets of Springfield. Hector Arriaga and Ismael Cintron had approached Mr. Esteras on foot, and shot him repeatedly. The victim died as a result of the gunshot wounds. Ismael Cruz Gonzales had driven the assailants to the scene of the murder, and then assisted in their getaway.

Earlier that same day, Ismael Cintron was said to have been insulted by the victim regarding Mr. Cintron's gang affiliation. Mr. Cintron returned to gang headquarters and reported the insult to other members, including 22-year-old Nico Rosado. At that time, Mr. Rosado was in a leadership position within the gang. He was "the chief enforcer" and reported to the president and vice president of the gang. After reviewing Cintron's claims, the gang leaders (including Alex Delgado) ordered the murder of Mr. Esteras. They told Mr. Rosado to have Mr. Esteras killed by lower-ranking gang members. Mr. Rosado then prepared a "mission memorandum" on behalf of the president and vice president of the gang, which authorized the murder of Mr. Esteras. While Nico Rosado did not shoot the victim, nor was he present at the time of the murder, he set into motion the chain of events that led to the murder. Accordingly, Mr. Rosado shared in the intent of all his co-conspirators (and actual assailants) regarding the murder of Mr. Esteras.

## **II. PAROLE HEARING ON MARCH 24, 2016**

Mr. Rosado, now 46-years-old, appeared before the Parole Board on March 24, 2016, for a review hearing and was represented by Attorney John Rull. This was his third appearance before the Board, having been denied parole in March 2008 and March 2013. Mr. Rosado had no criminal history prior to his governing offense. In Mr. Rosado's opening statement for this hearing, he expressed remorse, sorrow, and shame for his actions. He told the Board that he takes full responsibility for his actions, and he recognizes that he destroyed the Esteras family and hurt the community of Springfield. He recognized his past attempts to minimize his role in the crime, and assured the Board that he now understands and acknowledges that he is just as culpable as his co-defendants who pulled the trigger, killing Mr. Esteras. He admitted that he was "a coward, hiding behind gangs at the time of the murder." He apologized to the Board, to the Esteras family, and to the community of Springfield for his horrific actions and his gang participation at the time of the murder.

Mr. Rosado provided the Board with information on his upbringing and how he became involved with the gang. He was born in Puerto Rico and moved with his family to New York when he was five. His parents got divorced and, when he was 20-years-old, he went to New Haven, Connecticut to live with his father. In New Haven, Mr. Rosado joined a gang and cut ties with his family, who urged him not to take part in the gang lifestyle. Mr. Rosado lied to gang leadership and told them he had a military background, affording him immediate respect and prestige. After several months of ingratiating himself with the gang in New Haven, they asked him to go to Springfield to become a local leader in the new gang chapter. Mr. Rosado was the chief enforcer, reporting to the president (E. Hernandez) and the vice president (co-defendant Alex Delgado).



When asked about his specific role in the murder of Mr. Esteras, Mr. Rosado said he takes full responsibility for ordering the death of Mr. Esteras. He said that Mr. Cintron came into gang headquarters and detailed how Mr. Esteras had torn gang-beads from Mr. Cintron's neck and insulted his gang affiliation. Mr. Rosado followed the "chain of command" and reported the incident to the president and vice president. They told Mr. Rosado that Mr. Cintron had permission to "go on a mission" against Mr. Esteras. Mr. Rosado said his job as chief enforcer was to order "the mission" and to provide the details as to when, how, and by whom the mission was to be executed. After the murder, Mr. Rosado and his co-defendants fled to New Haven in an attempt to hide from their actions. Mr. Rosado told the Board that he is now aware of the ripple effect of his involvement in the murder of Mr. Esteras, and how it perpetuated gang creation, as well as increased gang violence, in Springfield.

Mr. Rosado told the Board that he used his time, while incarcerated to change himself for the better. He said that he is not the same person today, at 46-years-old, that he was when he was a 22-year-old gang member. Mr. Rosado has a minimal disciplinary record and has availed himself of years of programming. He renounced his gang affiliation and successfully completed the Security Threat Group Program in 1996. He also completed the Correctional Recovery Academy, Anger Management, Alternatives to Violence, ABLE Minds, and has been actively involved in the NEADS program. He received his GED in 2001. He also obtained his CDL, and has earned certificates in Drafting, Welding, and Auto Body Repair. Since his hearing in 2013, he has participated in the following programs: NEADS; Restorative Justice; Buddhist Group; Computer Skills; Anger Management; and Young Man's Ministry. Mr. Rosado has been successfully employed at various jobs throughout his incarceration.

When asked how he would handle conflict or hard times, if released on parole, Mr. Rosado said that his years of programming, self-reflection, and change in thought process have helped mature him into the man he is today. He said that he knows he will need assistance, as well as a gradual step-down from incarceration to the community, but that he is now mature enough to handle the struggles of daily life in society. He plans to work, stay positive, and remain connected to his family, who will help him stay on the right path. Mr. Rosado asked the Board for parole through a slow transition into the community. He suggested one year in lower security before being transitioned to a one year Long Term Residential Treatment Program. Mr. Rosado requested the Interstate Compact in order to reside in Puerto Rico with his family. His family will provide him with the support he needs to remain a successful member of the community.

The Board received letters from Mr. Rosado's family and support network in Puerto Rico. There was no live testimony in support of Mr. Rosado, but he told the Board that traveling from Puerto Rico to Massachusetts was prohibitively expensive. He said that many of his family members have already made the trip to appear before the Board at his 2013 hearing. The Board also considered testimony from Hampden County Assistant District Attorneys Laurel Brandt and Howard Stafford in opposition to parole.

### **III. DECISION**


Mr. Rosado has maintained a positive adjustment to incarceration over the past several decades. He appears insightful, empathetic, and remorseful for his actions that took the life of Mr. Esteras and created more violence and unrest in the city of Springfield. He recognizes that

he cannot change the past or the person he was at 22-years-old, but emphasizes that he has worked over 24 years to become the person he is now. The majority of the Board is of the opinion that Mr. Rosado has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in transition from incarceration. In forming this opinion, the Board considered Mr. Rosado's institutional behavior, as well as his participation in available work, educational, and treatment programs during his incarceration. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Rosado's risk of recidivism.

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. After applying this appropriately high standard to the circumstances of Mr. Rosado's case, the majority of the Board is of the opinion that Mr. Rosado merits parole at this time, subject to special conditions, and after successful completion of one year in lower security, during which time Mr. Rosado must remain disciplinary report free and program compliant.

**SPECIAL CONDITIONS:** Approve home plan before release; Reserve to Interstate Compact via Puerto Rico; Not to enter Hampden County unless approved by parole officer; Must be at home between 10pm and 6am; No drug or alcohol use with testing for compliance, and in accordance with agency policy; Report to assigned Massachusetts Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adjustment/transition.

*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.*

  
Gloriann Moroney, General Counsel

8/11/16  
Date