

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

NICO ROSADO
W55156

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 18, 2021

DATE OF DECISION: August 12, 2021

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

STATEMENT OF THE CASE: On October 1, 1993, in Hampden Superior Court, Nico Rosado pleaded guilty to accessory before the fact of second-degree murder. He was sentenced to life in prison with the possibility of parole. 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.

Mr. Rosado appeared before the Parole Board for a review hearing on March 18, 2021 and was represented by Attorney Brian Kelly. This was Mr. Rosado's first appearance before the Board since his final revocation hearing in 2019. Mr. Rosado was previously released on parole in 2018 but was revoked due to parole violations. The entire video recording of Mr. Rosado's March 18, 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 that the inmate is a suitable candidate for parole¹. Reserve to Gavin House. Mr. Rosado has been reincarcerated for approximately two years since his parole violations. By his own admission, he made poor choices while on parole supervision and was not following conditions. The Board encourages Mr. Rosado to be honest and forthcoming with his parole officer while on parole supervision. Currently, it is unclear whether he will have access to his needed services in Puerto Rico. Mr.

¹ Four Board Members voted to grant parole to Gavin House, one Board Member voted to grant parole to the Interstate Compact, Puerto Rico and one Board Member voted to deny parole with a review in 2 years.

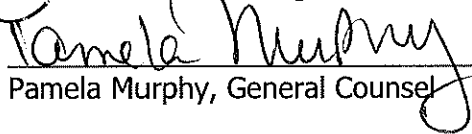
Rosado will benefit from treatment via the Gavin House and ongoing mental health treatment in the community.

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. Rosado'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. Rosado's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Rosado's case, the Board is of the opinion that Mr. Rosado is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program (LTRP), Gavin House; Waive work for two weeks or program; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Polygraph testing at PO discretion; Report to assigned MA Parole Office on day of release; No contact with [named individual]; No contact with victim's family; Must have substance abuse evaluation, abide by recommendations; AA/NA at least 3 times/week; Mandatory, Mass Rehab assessment.

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


Pamela Murphy, General Counsel

8/12/2021
Date