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Josh Wall
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DECISION

IN THE MATTER OF

NICO ROSADO

W55156

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 12, 2013

DATE OF DECISION: July 10, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years from the date of the hearing.

I. 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 and was sentenced to life in prison with the possibility of parole at fifteen years. On that same day, he received a concurrent sentence of 19 to 20 years for conspiracy to murder, and that sentence has expired. The victim of this offense was Arnaldo Esteras, age 16.¹

There were five co-defendants. Alex Delgado and Hector Arraiga were convicted of first degree murder and sentenced to life imprisonment without the possibility for parole. Ismael Cintron was convicted of second degree murder and sentenced to life in prison with the possibility of parole at fifteen years. Ismael Cruz Gonzalez was sentenced to 15 to 20 years for manslaughter and Hugo Morales was sentenced to five to seven years for conspiracy.

¹ On June 16, 1994, Rosado received a concurrent three to five year sentence for illegal possession of a firearm stemming from a 1992 arrest unrelated to the murder.

On September 13, 1992, Arnaldo Esteras was murdered at Main and Arch Streets in Springfield. Hector Arriaga and Ismael Cintron approached the victim on foot from Arch Street and shot him repeatedly. The victim died as a result of the gunshot wounds. A yellow and black bandana was left at the scene, which are the colors of the Latin Kings. Ismael Cruz Gonzales drove the assailants to the scene of the murder and assisted in their getaway.

Earlier that same day, the victim, with some friends, had seen Ismael Cintron on Main Street. Cintron, who was also known as "Quest," was a Latin King member and was wearing Latin King beads, a treasured insignia. The victim was said to have insulted the Latin King beads by pulling them off Cintron's neck.

After the insult, Cintron went to the headquarters of the Latin Kings and reported the insult of the beads to members who were present, which included the president of the Local Chapter, Eddy Hernandez; the vice president, Alex Delgado; Maria Mercado; Hugo Morales; and Hector Arriaga, who would participate in the actual shooting with Mr. Cintron.

Nico Rosado was also present. Rosado was referred to as a "corona"² which indicates he was in a leadership position of the local chapter. Rosado's title was "chief enforcer general" responsible for seeing that "missions," such as missions to murder, were accomplished. Rosado, age 22, directed Ismael Cintron to write up a report of the victim's insult, reviewed the report, and provided it to Alex Delgado, the vice president, and Eddy Hernandez, the president.

Having reviewed Cintron's report, Delgado and Hernandez ordered the murder. Nico Rosado prepared a "mission memorandum," authorizing the murder of Arnaldo Esteras for his purported insult, or the "insident [sic] with brother Quest." Nico Rosado, along with Hernandez and Delgado, signed the memorandum, which according to Nico Rosado's legal counsel at his instant parole hearing, "was effectively a death warrant" for Mr. Esteras. Rosado, along with Delgado, Hernandez, Gonzalez, and Morales, then said the "warrior prayer" for Hector Arriaga and Ismael Cintron, sending these assailants to their "mission" to murder Arnaldo Esteras.

While Nico Rosado did not shoot Mr. Esteras, he was in a leadership position and set into motion the chain of events leading to the murder of the victim. Accordingly, Nico Rosado shared the intent of his co-conspirators and the actual assailants to kill Mr. Esteras. After the assailants reported their success, Rosado celebrated the murder with the others, made efforts to conceal or dispose of incriminating evidence, and fled to Connecticut where he was subsequently arrested.

II. INSTITUTIONAL HISTORY

Nico Rosado accrued three disciplinary reports over the course of his incarceration, the last of which was issued in 2009. His disciplinary offenses include possession of a cell phone and refusing to return to his room, both of which resulted in returns to higher custody.

Rosado has completed several programs including Correctional Recovery Academy, Anger Management, Alternatives to Violence, ABLE Minds, and he has been actively involved in the NEADS program. He completed Spectrum Security Threat Group program in 1996. The program was designed to promote renouncing gang affiliation and involvement. Rosado,

² "Corona" is Spanish for "crown."

however, was suspected of more gang activity in 1997 and was returned to higher security at MCI-Cedar Junction. He took the gang program again in 2000. During his incarceration he has also earned certificates in Drafting, Welding, Auto Body Repair, and Commercial Driver's License and he earned his GED. He has held various jobs within the institution and is currently employed in the canteen.

III. PAROLE HEARING ON MARCH 12, 2013

This is Nico Rosado's second appearance before the Parole Board. At his first hearing, the Board denied parole with a review in five years. In its 2008 decision, the Board was concerned that Rosado was "the leader and enforcer of organized crime in the Springfield chapter of the Latin King gang. The Board is concerned that the release of a founder of this violent gang would send the wrong message to the Springfield community."

Rosado seeks a parole to reside with his wife, Sandra Rosado-Diaz, in Lancaster, Pennsylvania. The two were married at MCI-Norfolk on April 14, 2010. He plans to seek employment as a welder. Rosado was represented by student attorneys, Tom McMahon and Zachary Kearns, from Harvard Law School's Prisoner Legal Assistance Program. Tom McMahon provided an opening statement outlining Rosado's accomplishments during his incarceration and his intended parole plan. Rosado presented an apologetic opening statement to the Board expressing his remorse for his crime, the loss of life, and the impact on the Springfield community.

Rosado provided information on his background. He was born in Puerto Rico and moved with his family to the Bronx at age five. His family moved to Islip, Long Island where he attended elementary school. His parents divorced and his father, who was in the merchant marine, moved to New Haven, Connecticut. Rosado dropped out of school in eighth grade. He said, "I was skipping school, I wanted to work, I thought I was a man. I did work full time at restaurants, including the Manhasset Yacht Club and a country club. I was also selling drugs at the time and I lived on my own starting at age 15. I went to New Haven at the age of 20 to live with my father."

In New Haven, Rosado joined the Latin Kings and "cut ties with my family." He continued selling drugs, including "marijuana, cocaine, and other narcotics." He explained his involvement in the gang. "I was a member for about six months when the leaders in Connecticut said they wanted to establish the Latin Kings in Springfield, so a few of us went to Springfield to be local leaders. I was the Chief Enforcer; I reported to the president and the vice president so I reported to Eddy Hernandez and Alex Delgado; my job was to carry out the missions; I started carrying a gun about three months before the murder." Rosado obscured some details of his gang activity. He said he had "no idea why they picked me to start the Latin Kings in Springfield" and claimed that the murder was the only mission he carried out for the Latin Kings.

In recalling the murder, Rosado said, "Ismael Cintron had a situation; he came to me as part of the chain of command; I reported it to the president and vice-president. The president, the vice-president, and I told Cintron the he needed permission for a mission and we gave him the go ahead. Cintron went with Arriaga and Gonzalez; we all stayed at the house; Cintron completed the mission and killed Mr. Estrada. After Mr. Estrada was executed, everyone in the

house was cheering about the situation. There was an execution memorandum that we destroyed; we ripped it up; the police found it in the garbage. I fled back to New Haven with Eddy Hernandez and Maria Mercado; we stayed together hiding in New Haven; we were arrested in a month or so." The Latin Kings engaged in some planning to murder the police investigators and the prosecutor on the case, as established by documents recovered from a jail cell occupied by one of the gang members. Rosado claimed he had no knowledge and no involvement in that planning.

After being sentenced, Rosado remained involved with gang activity which led to one return to higher custody. He recalled that "I was still close-minded" and was not involved in programs. In 1996, I assumed responsibility for my behavior. My family got involved. It dawned on me that the life I chose wasn't right; I didn't want to choose that life again." His improved behavior allowed him to be classified at minimum security for two and a half years, but he was returned to higher security in 2008 when he was found in possession of a cell phone, which is a serious infraction in a penal institution. He told the Board that "I'd never seen a cell phone before and curiosity got to me." That answer evaded the reality that he wanted a cell phone in order to circumvent institutional rules on phone calls and other applications. He has now been at MCI-Norfolk for four years where he obtained a CDL license, participates in the NEADS dog training program, and completed ABLE Minds. He said, "The NEADS program had the biggest impact. The first time I graduated a dog to a disabled person it was a feeling I never had before; it was something I accomplished for another person." Rosado also stated, "I changed my life to be the person I am today. I evaluate my decisions now. Education opened me up to a better life, and my spirituality helped as well."

Rosado reported that he does not have family in Springfield and he would seek to live with his wife in Lancaster, Pennsylvania. He said, "My wife, uncle, and cousins live in Lancaster. My wife would provide most of my support. She was a nurse; she doesn't work now because of illness. Her adult daughters live with her. I have known my wife since I was a child; we got married in 2010."

Hampden Assistant District Attorney Dianne Dillon and former Hampden Assistant District Attorney Laurel Brandt spoke in strong opposition to parole. Ms. Brandt was the prosecuting Assistant District Attorney. Springfield Commissioner Police William Fitchet wrote a letter opposing parole. Rosado's mother spoke in support of parole and there were several supporters in attendance.

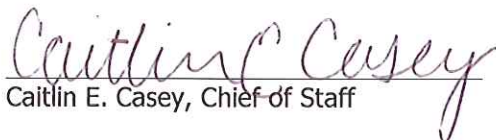
IV. DECISION

Nico Rosado moved from New Haven to Springfield for the specific purpose of establishing a chapter of the Latin Kings. Once he established the gang's ability to sell drugs in Springfield, he exercised his authority as the gang's Chief Enforcer to promote violence in Springfield. His commitment to gang rivalry and violence led to the murder of Arnaldo Esteras, a 16-year-old boy, in September 1992. He says he continued with gang activity in prison until 1996 when he accepted anti-gang programming and renounced his membership in the Latin Kings. DOC records show a longer period of gang activity for Rosado, perhaps until 2000. Rosado has made considerable progress in his rehabilitation in the intervening years. He has improved his behavior, obtained a GED, maintained employment, completed vocational programs to obtain job skills, and participated in some productive activities and rehabilitative programming. Considering the seriousness of his criminal activity and the risks associated with

that activity, the Parole Board concludes that the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – have not yet been met. Rosado needs additional years of work to rehabilitate from his serious antisocial activity and criminal conduct.

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 here, it is the unanimous opinion of the Board that Mr. Rosado does not merit parole at this time. The period of review will be three years, during which time Mr. Rosado should continue with his work on 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.


Caitlin E. Casey, Chief of Staff

7/10/14
Date