

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

**OSCAR ROSA
W91542**

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: February 15, 2022

DATE OF DECISION: October 26, 2022

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

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 not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On February 20, 2008, after a jury trial in Suffolk Superior Court, Oscar Rosa was convicted of second-degree murder in the death of Craig Viera. He was sentenced to life in prison with the possibility of parole.

On November 26, 2006, 20-year-old Oscar Rosa entered the Embassy Nightclub in Boston with several friends. However, they were asked to leave the premises by security personnel due to their behavior at the establishment. Craig Viera, a security officer at the Embassy Nightclub, spoke with Mr. Rosa's group outside the establishment and attempted to deescalate the situation. Mr. Rosa proceeded to stab Mr. Viera and then fled the scene with a bloody knife, which was later recovered.

¹ Chair Moroney was recused. One Board Member was not present for the hearing, but reviewed the record and participated in deliberations.

Mr. Viera was treated in the hospital for a stab wound to the abdomen. Although he was discharged to his home within several days of the incident, he died due to complications from his injuries on December 8, 2006. After his death, Mr. Rosa (who had already been charged with assault and battery by means of a dangerous weapon and released on bail) was indicted for murder and arraigned in Suffolk Superior Court on February 8, 2007.

II. PAROLE HEARING ON FEBRUARY 15, 2022²

Oscar Rosa, now 35-years-old, appeared before the Parole Board for an initial hearing on February 15, 2022, and was represented by Attorney Debra Beard-Bader. In his opening statement to the Board, Mr. Rosa accepted responsibility for the governing offense and apologized to Mr. Viera's family, as well as the community at large, for his actions. He explained how he gained insight into his prior criminal behavior and learned certain skills through his programming efforts in the facility. Counsel also provided an opening statement to the Board in which Mr. Rosa's intellectual disability was discussed.

At the time of the governing offense, Mr. Rosa resided at a long-term residential program in New Hampshire. He was permitted to leave the program on a weekend pass and went to the Embassy Nightclub in Boston with several friends. Mr. Rosa explained that when the group attempted to enter a restricted section of the club, he was refused entry because of his age. Certain group members then began "acting immature" on the dance floor, and the group was asked to leave the premises by security personnel. Mr. Rosa reported that he was physically restrained by security officers and acknowledged that Mr. Viera attempted to deescalate the situation. He was intoxicated at the time, having consumed beer and hard alcohol earlier in the evening, and was angry at "being restrained." Mr. Rosa admitted that he stabbed Mr. Viera and fled the scene.

When Board Members inquired as to his childhood, Mr. Rosa noted that his father was extremely abusive, which was a factor in the anger he felt at the time he stabbed Mr. Viera. Mr. Rosa acknowledged a litany of adverse circumstances prevalent throughout his childhood, including food insecurity, housing instability, and domestic violence within his family unit. In addition, he lacked consistent treatment and medication for diagnosed physical and behavioral health conditions. Board Members noted a history of violent offenses throughout Mr. Rosa's criminal history. When questioned as to why he felt so angry and violent at the time of the governing offense, Mr. Rosa indicated that multiple factors contributed to his anger issues, such as living in a neighborhood where he was subjected to racism and enduring abuse from his father. He also experienced a feeling of loneliness and a lack of love.

Board Members noted that Mr. Rosa has incurred several disciplinary reports, including a report for possession of homemade alcohol and a 2019 report for assaultive conduct on another inmate. Mr. Rosa stated that he does not receive mental health services, nor does he receive medication. At the time of this hearing, Mr. Rosa was preparing for his GED exam and received tutoring twice a week. In addition, he completed the Correctional Recovery Academy in 2021, and plans to return to Alcoholics Anonymous when the programs reopen at the facility. Mr. Rosa is employed as a worker in the garden. He is on a waiting list for Restorative Justice.

² The entire video recording of Mr. Rosa's February 15, 2022 hearing is fully incorporated by reference into the Board's decision.

The Board considered oral testimony in support of parole from one of Mr. Rosa's family members. The Board considered testimony in opposition to parole from Mr. Viera's mother and two friends. The Board also considered a written submission in opposition to parole from the Boston Police Department.

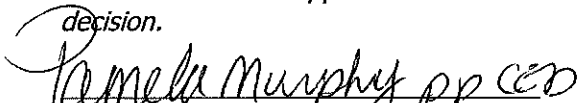
III. DECISION

The Board is of the opinion that Oscar Rosa has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Rosa is serving his first adult commitment for stabbing security guard 32-year-old Craig Viera. Mr. Rosa was 20-years-old at the time of the murder, but had a well-documented history of developmental delay and emotional issues. He has availed himself of available programming; however, given his disciplinary history, more work needs to be done. The Board did consider, and is aware, that he has been diagnosed with intellectual disabilities. The Board encourages him to continue pursuit of his GED and engage in programming to address victim empathy to include Restorative Justice. He should refrain from incurring any additional disciplinary reports. He should continue to develop a reentry plan that will meet his needs.

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. In forming this opinion, the Board has taken into consideration Mr. Rosa'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. Rosa's risk of recidivism. After applying this standard to the circumstances of Mr. Rosa's case, the Board is of the opinion that Oscar Rosa is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Rosa's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Rosa to continue working towards his full 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.


Pamela Murphy, General Counsel

10/26/22
Date