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

**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**RICHARD RIVERA**

**W67872**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** November 15, 2011

**DATE OF DECISION:** July 13, 2012

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

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

**I. STATEMENT OF THE CASE**

On November 23, 1994, Emir Quintana, age 16, was playing basketball at the John Winthrop playground in Dorchester. Richard Rivera, age 15, was also present on the same playground socializing with his peers. Witnesses reported that Mr. Rivera and his friends were drinking and smoking just prior to the offense. Witnesses also report that Mr. Rivera confronted Mr. Quintana about what he considered to be prior disrespectful statements made about his cousin. Mr. Quintana denied making any statements about his cousin. At this time, Mr. Rivera was approximately 10 feet away from Mr. Quintana when he pulled out a gun, threatening Mr. Quintana. His friends reportedly convinced him to put the gun away and go back to the steps he was previously sitting on. After approximately 5 minutes, Mr. Rivera left the steps and again went to the basketball court to confront Mr. Quintana stating "my boys ain't here to stop me now." Mr. Rivera then pulled out his gun, aimed it at Mr. Quintana and shot him in the chest. Mr. Quintana reportedly had his hands up posturing to surrender prior to being shot. He died instantly of a single gunshot wound to the heart.

On November 26, 1997, in Boston Juvenile Court, after a trial by jury, Mr. Rivera was found guilty of first degree murder in the shooting death of Emir Quintana. He was sentenced to 15 to 20 years and ordered to remain in the Department of Youth Services until the maximum age of 21, thereafter to be transferred to the custody of the Department of Correction until the sentence has been served.

## **II. PRIOR PAROLE HEARING**

Mr. Rivera was before the Board for his initial parole hearing on December 8, 2009. The Board voted to deny his parole for two years. The Board noted that although Mr. Rivera had engaged in some programming, he remained affiliated with a gang and had recently incurred a gang related disciplinary report for fighting. Due to his behavior he was transferred to Souza Baranowski Correctional Center, which is a level six facility that houses the most dangerous offenders. The Board recommended Mr. Rivera to commit to further rehabilitation, disassociate from the gang and remain free of any disciplinary infractions.

## **III. INSTITUTIONAL ADJUSTMENT**

Mr. Rivera was transferred to MCI Concord on March 20, 2000 from the Department of Youth Services. Since being in the Department of Correction, Mr. Rivera received 12 disciplinary reports, the most recent, and most serious occurred in 2009 for a gang related fight. Mr. Rivera has been identified by the Department of Correction as a leader of the Crips gang. Mr. Rivera has admitted to being a validated member of the Crips since age 12. He reports that he has begun the process of renouncement.

After a period of positive institutional adjustment, Mr. Rivera was transferred to MCI Norfolk in April 2011. He is not employed or currently participating in programs. Mr. Rivera began programming in 2006 and has completed four programs to date. He is planning to enter the barbers training program and Family Awareness. He earned his GED while incarcerated, and has not engaged in any further educational programming.

## **IV. DECISION**

Mr. Rivera committed a cold blooded murder against an unarmed youth who had his hands raised in the air when confronted at gun point. He has provided conflicting testimony concerning his prior criminal activity, most notably, his use of and selling of drugs. He now reports that he was involved in selling drugs as part of his gang activity. Mr. Rivera committed the murder at a very young age (15) and has been affiliated with his gang and criminal activity since he was 12 years old. He has been identified as having a leadership role in the Crips. His lack of programming is a reflection of his continued gang affiliation in the institution and his lack of investment in rehabilitation. In 2009, the Board recommended that Mr. Rivera engage in more programming and that he officially renounce from his gang affiliation. He has yet to fulfill those recommendations.

The Board notes the improvement in Mr. Rivera's institutional adjustment, and his recent engagement in the process of renouncing from his gang. Mr. Rivera recognizes that due to his own decision to delay his participation in programming and termination from his gang status, he has also delayed his opportunity for rehabilitation. The Board also notes that Mr. Rivera was only 15 years old at the time of the offense, and has maintained positive family and other supports to date. The Board highly recommends that Mr. Rivera continue to engage in all available self-help groups and programming that would enhance his rehabilitation, and that he



continue the process of renouncement from the gang. At this time, it is the unanimous decision of the Board that Mr. Rivera's release is not compatible with the welfare of society and that it is not reasonably probable that Mr. Rivera would not re-offend if paroled. The review will be in five years.

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

  
Caitlin E. Casey, Chief of Staff

  
Date