

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

RICOBERTO ROSE

W41201

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 18, 2018**

DATE OF DECISION: **September 4, 2019**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe, Paul Treseler

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 parole.¹ Parole is granted to the Arizona Interstate Compact, but not before 18 months in lower security and subject to special conditions.

I. STATEMENT OF THE CASE

On February 28, 1985, in Suffolk Superior Court, Ricoberto Rose pleaded guilty to the second-degree murders of Tommy Lee Jones and James Ross and to three counts of armed robbery connected to the murder of Mr. Jones. Mr. Rose was sentenced to two life sentences with the possibility of parole for the murder convictions. He was sentenced to an additional life sentence with the possibility of parole for each count of armed robbery. Mr. Rose also pleaded guilty to assault and battery with a dangerous weapon, for which he received a 9 to 10 year sentence. He also pleaded guilty to unlawfully carrying a handgun, for which he received a 4 to

¹ One Board Member voted to deny parole.

5 year sentence. All sentences were ordered to run concurrently. Mr. Rose also pleaded guilty to a separate armed robbery in 1984, for which he received a 3-5 year consecutive sentence.

On September 15, 1983, Ricoberto Rose (age 20) shot and killed Tommy Lee Jones. On the night of the murder, Boston police responded to the area of Columbus Avenue and Dimock Street on reports of a shooting. When they arrived, they found Mr. Jones sprawled across the front seat of a 1979 Plymouth Horizon with his head against the driver's side window. Mr. Jones suffered gunshot wounds to his chest and right thigh, dying as a result of the chest wound. Investigation revealed that two individuals had been with Mr. Jones when he was shot. They both gave statements to police that helped identify the shooter and his accomplice, Leroy Davis.

On October 22, 1983, Mr. Rose was involved in a physical altercation with a group of people, including James Ross, at the Crawford St. Park in Roxbury. Mr. Rose stabbed Mr. Ross in the neck, killing him. Mr. Rose turned himself into police and was arraigned on October 24, 1983. Mr. Rose was subsequently released on \$100,000 bail. On April 20, 1984, while out on bail for the murder of Mr. Ross, Mr. Rose fired a gun at an individual at the Crawford St. Park in Roxbury. Mr. Rose's gunshot missed the individual, but struck a bicyclist in the ankle. On April 24, 1984, an off-duty police officer observed Mr. Rose and two other individuals robbing a person at knifepoint in Roxbury. The officer requested backup and, with the assistance of another officer, apprehended all three individuals. Mr. Rose, who had assumed the name Michael Leonard, was found in possession of a knife and 22 dollars, which he had taken from the victim.

II. PAROLE HEARING ON SEPTEMBER 18, 2018

On September 18, 2018, Ricoberto Rose appeared before the Parole Board. He was not represented by counsel. Mr. Rose was denied parole after his initial hearing in 2000, and again after his review hearings in 2005, 2010, and 2015. In his opening statement to the Board, Mr. Rose discussed his background and how "running the streets" led to his incarceration. Mr. Rose explained that after he was arrested in Boston for breaking into a car at age 14, his mother sent him to live with his father in California. Mr. Rose claimed that everyone in his neighborhood belonged to one of two gangs, so he became affiliated, as well. He admitted to carrying guns, but said that he was mostly involved in fist fights with rival gang members. Mr. Rose stated that he moved back to Boston after his best friend was shot to death by a rival gang member.

When the Board asked him how he felt about taking two lives, Mr. Rose answered that he felt terrible and stated that it should not have happened. Regarding the stabbing murder of Mr. Ross, Mr. Rose said that he had been robbed by a group of people, including Mr. Ross, two nights prior to the murder. Mr. Rose claimed that on the night of the murder, Mr. Ross and six other people surrounded him and threatened him with knives and a gun. He told the Board that he stabbed the first person that came at him. When he learned that Mr. Ross had died, Mr. Rose said he turned himself in the next day. A Board Member asked about the shooting death of Mr. Jones a few weeks prior to the murder of Mr. Ross. Mr. Rose said that he was "young and impressionable" at the time of the murder. He recounted how he and Leroy Davis bought cocaine with Mr. Jones. He and Mr. Davis were in the back seat of the victim's car and, when Mr. Davis said "Let's rob him," he agreed. In the course of the robbery inside the car, Mr. Rose shot Mr. Jones twice after a struggle. Mr. Rose also stated that after being released on bail for the murder of Mr. Ross, he accidentally shot a bicyclist when he fired a gun at a group that he thought was

trying to retaliate for the stabbing of Mr. Ross. When the Board asked Mr. Rose about his role in an armed robbery on April 24, 1984, he answered, "That was cocaine... getting high."

The Board noted that Mr. Rose has had approximately 67 disciplinary reports over the course of his incarceration, and that he received one report for fighting just prior to his parole hearing in 2015. The Board commended Mr. Rose, however, for only incurring one minor disciplinary report since his last review hearing. Mr. Rose recognized that getting into a fight in 2015 was the result of bad judgment and said that the Department of Corrections gave him back his job after investigating the fight. The Board acknowledged Mr. Rose's completion of a significant amount of rehabilitative programming and questioned him as to which program was most beneficial. Mr. Rose reported that Restorative Justice allowed him to understand the impact that his crimes had on his victims' friends and family and how they had to live with the pain of his crimes each day. When the Board asked him how he has matured since his last hearing, Mr. Rose said that he now engages in "active thinking" and "active listening." He contemplates how he wants to spend the rest of his life.

For his parole plan, Mr. Rose asked that he be allowed a step down to lower security, where he will have more access to mental health counselors to help him with transitioning, anxiety, and childhood trauma. Mr. Rose reported that he has a wife in Arizona with whom he could live, as well as strong community support. He explained that he has a good relationship with his wife, noting that when he was housed in New Mexico, he would spend up to 12 hours a day with her and her children during family visits. He also reported that he inherited a house in Florida. Mr. Rose stated that he completed his GED and has taken classes in plumbing, electrical work, computer repair, and auto body repair. He feels well-equipped to find work.

Mr. Rose's wife submitted a letter in support of parole. Boston Police Commissioner William Gross submitted a letter in opposition to parole. The Suffolk County District Attorney's Office also submitted a letter in opposition to parole.

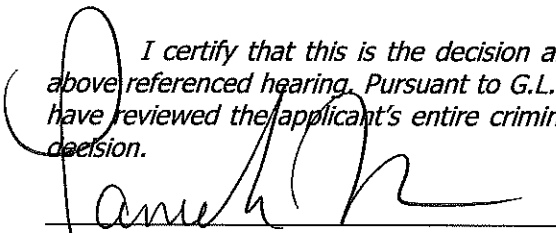
III. DECISION

Mr. Rose has served 35 years. It is the opinion of the Board that he has demonstrated a level of rehabilitation that is compatible with the welfare of society.

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. Rose'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. Rose's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Rose's case, the Board is of the opinion that Ricoberto Rose is rehabilitated and, therefore, merits parole at this time. Parole is granted to the Arizona Interstate Compact, but not before completion of 18 months in lower security and with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Release to Interstate Compact; Waive work for two weeks; Must be home between 10:00 p.m. and 6:00 a.m.; Electronic monitoring – GPS; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have substance abuse evaluation and adhere to plan; 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.


Pamela Murphy, General Counsel

9/4/2019
Date