



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

ROBERT CABRERA

W69095

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 20, 2018

DATE OF DECISION: December 13, 2018

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

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 Robert Cabrera's from and after sentence with special conditions.

I. STATEMENT OF THE CASE

On February 1, 2001, after a jury trial in Essex Superior Court, Robert Cabrera was found guilty of second degree murder in the death of 53-year-old Danny Rios. He was sentenced to life in prison with the possibility of parole. Mr. Cabrera was 27-years-old at the time of the murder. On that same date, he was also found guilty of assault and battery by means of a dangerous weapon and a firearms violation. He was given a concurrent 7-10 year sentence and a concurrent 2½-5 year sentence, respectively. Mr. Cabrera filed an appeal of his conviction. On November 27, 2002, the Appeals Court affirmed the judgment.²

¹ Five Board Members voted to parole Mr. Cabrera. Two Board Members voted to deny parole with a two year review.

² *Commonwealth v. Robert Cabrera*, 56 Mass.App.Ct. 1111 (2002).

In 2004, in Hampden, Norfolk, Middlesex and Essex Superior Courts, Mr. Cabrera was convicted of a string of larcenous offenses, including five counts of breaking and entering in the nighttime. In addition to numerous sentences to run concurrent with his life sentence for murder, Mr. Cabrera was sentenced to a from and after sentence of 8 to 8 years and 1 day, to be served on and after his life sentence.

On the evening of May 26, 2000, Danny Rios and his co-worker were standing on the front porch of the Lawrence apartment house where his co-worker lived, having a beer and talking. At some time between 8:00 and 8:30 p.m., a car carrying three people pulled up in front of the house. Robert Cabrera was driving. One of the males exited the vehicle and approached the front porch. There was brief physical contact between the male who exited the vehicle and Mr. Rios' co-worker. At some point, Mr. Cabrera got out of the car and said to Mr. Rios' co-worker, "You got a problem? You have a problem?" Mr. Cabrera got back into the car, but continued arguing with the coworker on the porch, exchanging curses. Mr. Cabrera then drove off.

Ten to fifteen minutes later, Mr. Rios and his co-worker were shot on the front porch. Police arrived soon after and observed both men lying halfway into the foyer. Mr. Rios was "bleeding profusely" and died shortly thereafter of a single gunshot wound to his abdomen. His co-worker suffered a gunshot wound to the leg, but survived. After a police investigation and several interviews, Mr. Cabrera was arrested for the murder of Mr. Rios.

II. PAROLE HEARING ON MARCH 20, 2018

Robert Cabrera, now 45-years-old, appeared before the Parole Board on March 20, 2018, for a review hearing. He was not represented by counsel. Mr. Cabrera had been denied parole after his initial hearing in 2015. In Mr. Cabrera's opening statement to the Board, he took responsibility for his actions and apologized to the family of the victims and the community. Mr. Cabrera stated that he is ashamed of being responsible for the loss of life. During the hearing, Mr. Cabrera described his role in the murder as providing the firearm used to shoot the victims, but denied being the shooter. He admitted to obtaining the gun from his mother's house and giving it to his co-defendant prior to the murder. Although he heard gunshots, he denied seeing his co-defendant shoot anyone. He stated that he did not know Mr. Rios at the time of the murder.

Mr. Cabrera acknowledged that his last disciplinary report occurred in 2015 and spoke about a 2006 disciplinary report he received regarding the transfer of narcotics in the prison facility. He acknowledged that his previous lifestyle was a "rush" that had become addictive. He admitted to stealing cars and dealing drugs in his teen years, but stated that he has since changed his criminal thinking into "healthy thinking," evolving into a mature individual. He also disassociated membership from a prison gang. Mr. Cabrera spoke about his daily activities at the prison and stated that he attends school and volunteers his time. Additionally, he attends church and participates in Alcoholics Anonymous/Narcotics Anonymous meetings. Since his last hearing, he completed additional programming, including the Culinary Arts program. He described Coping Mechanisms and Criminal Thinking as programs that were most beneficial to him. Mr. Cabrera stated that he has support from his friends, sister, and cousins.

The Board considered testimony in support of parole from Mr. Cabrera's cousin and sister. Essex County Assistant District Attorney Catherine Semel testified in opposition to parole.

III. DECISION

The Board is of the opinion that Mr. Cabrera has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Cabrera was 27-years-old when he took part in the shootings of Daniel Rios and Carlos Rivera. He has served 18 years. The Board is of the opinion that Mr. Cabrera has demonstrated rehabilitation, and his release meets the legal standard (to his from and after sentence).

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. Cabrera's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Cabrera's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Cabrera's case, the Board is of the opinion that Robert Cabrera merits parole at this time. Parole is granted to the on and after sentence with special conditions.

SPECIAL CONDITIONS: Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Mandatory adhere to the rules and regulations of the MA Department of Correction and remain program compliant and disciplinary report free.

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.



Gloriann Moroney, General Counsel/Executive Director

12/13/18
Date