



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ROBERT CABRERA
W69095

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **November 4, 2021**

DATE OF DECISION: **March 2, 2022**

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

STATEMENT OF THE CASE: On February 1, 2001, after a jury trial in Essex County Superior Court, Robert Cabrera was found guilty of second-degree murder. He was sentenced to life with the possibility of parole. 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.

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 December 13, 2018, the Board granted Mr. Cabrera parole to his consecutive sentence.¹

Pursuant to the holding in *Dinkins & another v. Massachusetts Parole Board*, 486 Mass. 605 (2021), Mr. Cabrera’s parole eligibility date was recalculated to be June 6, 2021. Mr. Cabrera had previously appeared before the Board pursuant to his original parole eligibility date having been denied in 2015 and granted parole to his consecutive sentence in 2018. Mr. Cabrera appeared before the Parole Board again for a review hearing on November 4, 2021 and was represented by Attorney Melissa Celli. The entire video recording of Mr. Cabrera’s November 4, 2021 hearing is fully incorporated by reference to the Board’s decision.

¹ Pursuant to the holding of *Dinkins & another v. Massachusetts Parole Board*, 486 Mass. 605 (2021), the Parole Board aggregated Mr. Cabrera’s life sentence with his 8 to 8 years and 1 day consecutive sentence to determine a new single parole eligibility date of June 6, 2021.

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 a unanimous vote that the inmate is a suitable candidate for parole. Reserve to Community Resources for Justice – Transitional Housing for a period of six months. Mr. Cabrera was granted parole to his from and after sentence in 2018 and since that time he has had a positive adjustment while on a parole permit. Due to the *Dinkins* case, he became eligible for parole in June 2021. Since 2018, Mr. Cabrera has been actively involved in educational classes and has been employed in the same position for 11 years. Mr. Cabrera was recently classified to lower security.

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." 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 has 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 Mr. Cabrera is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Community Resources for Justice – Transitional Housing for six months; Waive work for two weeks; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; 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, association affiliation or activity with any STG (Security Threat Group); No contact with victim's family; 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.

Pamela Murphy P.P. SMB
Pamela Murphy, General Counsel

3/2/22
Date