

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 SILVA
W97878

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: November 12, 2025

DATE OF DECISION: March 11, 2026

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz

VOTE: Parole is denied with a review in 3 years from the date of the hearing.¹

PROCEDURAL HISTORY: On January 18, 2011, following a jury trial in Plymouth County Superior Court, Robert Silva was convicted of murder in the first-degree for the death of Thomas Loftus. He was sentenced to life in prison without the possibility of parole. On that same date, he was convicted of armed robbery and was sentenced to a concurrent term of 4 to 5 years.²

On December 21, 2012, in Clinton District Court, Mr. Silva received a concurrent six-month HOC sentence for assault and battery by means of a dangerous weapon, stemming from his assault on an incarcerated individual on September 7, 2012. On November 30, 2017, in Clinton District Court, a charge of assault and battery was placed on file after Mr. Silva was found guilty of one count of assault and battery. This charge stemmed from Mr. Silva's assault on another incarcerated individual on November 8, 2016.

Mr. Silva became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision regarding his first-degree murder conviction, Mr. Silva was re-sentenced to life with the possibility of parole after 15 years.

¹ One Board Member voted to deny parole with a review in 4 years.

² Mr. Silva's first trial resulted in a mistrial on April 15, 2010.

On November 12, 2025, Mr. Silva appeared before the Board for an initial hearing. He was represented by Attorneys Lauren Elia, Theresa Lane, and Seth Orkand of Robinson & Cole LLP. The Board's decision fully incorporates by reference the entire video recording of Mr. Silva's November 12, 2025 hearing.

STATEMENT OF THE CASE: On June 9, 2004, 18-year-old Robert Silva and his co-defendant, 18-year-old Eric Pimental, beat to death 47-year-old Thomas Loftus in Wareham. That afternoon, Mr. Silva and Mr. Pimental were walking together in the woods in Wareham when they encountered Mr. Loftus. The co-defendants agreed that they would "roll" him. Mr. Pimental knocked Mr. Loftus to the ground, and the men began to kick him. Mr. Silva then jumped on Mr. Loftus' chest. The two men moved Mr. Loftus' body off the path and took his backpack, money, and other items. Some hours later, the Wareham Police Chief observed Mr. Silva trying to open locked vehicles on a street in Wareham. Based on his observations and conversation with Mr. Silva, and due to the level of Mr. Silva's intoxication, the Chief placed Mr. Silva in protective custody. The Chief opened the backpack Mr. Silva was carrying to check for weapons and discovered Mr. Loftus' backpack inside. Mr. Silva and the backpacks were transported to the Wareham police station.

On June 10, Mr. Loftus' body was found off the path in the woods. Subsequent investigation led officers to Mr. Silva and Mr. Pimental. Mr. Silva's sneakers were seized pursuant to a search warrant, and DNA testing revealed that a sample taken from a bloodstain on Mr. Silva's sneakers matched Mr. Loftus' blood. Mr. Loftus sustained significant injuries to his head, ribs, heart, lungs, and jaw during the assault. His cause of death was determined to be blunt force trauma to the chest.

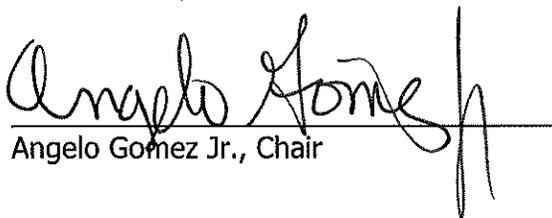
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers

the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Silva appeared before the Board for his initial hearing. Mr. Silva was 18-years-old when he committed the offense. He is now 40-years-old and has served 19 years. Mr. Silva has a history of addiction with his most recent use in October 2024. The governing offense is related to substance abuse. Mr. Silva also has a history of mental health issues and was hospitalized on several occasions. He is currently engaged in Mental Health treatment and working on stabilization. Mr. Silva has recent disciplinary reports, including substance abuse and threats on a correctional officer. Mr. Silva was also convicted of assault and battery on an inmate in 2012, and an additional assault on an inmate in 2016. Mr. Silva is engaged in programming and is beginning to understand his pattern of violence and treatment needs. His LS/CMI (risk/need assessment) is high. The Board considered the expert testimony and evaluation by Dr. Brittany Sherrill. The Board is encouraging Mr. Silva to continue to invest in Mental Health and additional treatment that addresses Violence Reduction, Substance Abuse, Conflict Resolution and Behavioral Regulation. The Board considered the testimony of Mr. Silva's family members in support of parole. The Board considered the testimony of Mr. Loftus' family members in opposition to parole. The Board also considered the testimony of Plymouth County ADA Arne Hanston in opposition to parole. The Board concludes that Robert Silva has not yet demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

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.


Angelo Gomez Jr., Chair

March 11, 2026
Date