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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

ROBERTO ACEVEDO

W51343

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 25, 2011

DATE OF DECISION: October 31, 2012

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

DECISION OF THE BOARD: Roberto Acevedo's request for parole is denied and the review of that decision will be in five years. The Board vote was unanimous.

I. INTRODUCTION

Robert Acevedo committed three separate serious violent offenses in 1990. He shot Robert Lee Rogers to death, stabbed Richard Hitchcock, and kidnapped and robbed Alan Davies. He committed the offenses over a span of six months. On October 21, 1991, in Essex Superior Court, Mr. Acevedo pleaded guilty to the second degree murder of Robert Lee Rogers and was sentenced to life imprisonment. He also pleaded guilty to the assault of Robert Ross by means of dangerous weapon, an offense related to the murder, for which he received a concurrent sentence of 3 to 5 years. On the same date, Mr. Acevedo also pleaded guilty and received concurrent sentences for the other two incidents: 15 to 20 year terms for armed assault with intent to murder Richard Hitchcock; two 15 to 20 year terms for kidnapping and armed robbery of Alan Davies; 7 to 10 years for assault of Officer John Meaney by means of a dangerous weapon (shotgun); and two 3 to 5 year terms for two charges of possession of a firearm.

II. STATEMENT OF THE CASE

A. The stabbing of Richard Hitchcock

On July 17, 1990, Richard Hitchcock was driving in Lynn with his wife when he parked and exited his car to purchase food while his wife remained in the car. As he crossed the street, three to five males, the defendant among them, approached Mr. Hitchcock and one of them sucker-punched him in the head. Hitchcock backed up when the defendant stepped forward from the group, knife in hand, and stabbed Mr. Hitchcock, plunging the knife into his back below his left shoulder while his wife, still in the car, looked on.

Bleeding heavily, Mr. Hitchcock drove himself to the hospital where doctors worked feverishly to stem the flow of blood from the life threatening knife wound. Mr. Hitchcock survived this vicious attack with long lasting injuries and the doctors opined the wound was nearly fatal. Police canvassed the area and found the defendant, standing in the doorway of 176 Chestnut Street, where he lived. Mrs. Hitchcock identified Acevedo as the stabber. The officers arrested him, and he was later released on bail.

B. The murder of Robert Lee Rogers and assault on Robert Ross

Three months later, on November 4, 1990, Robert Lee Rogers and Robert Ross were waiting for a bus in Lynn, talking with a third person. The defendant, free on bail at the time, was also in the area which was around the corner from his home. Ross, Rogers, and Lopez were talking with some women in a car when Rogers and the defendant began arguing. The defendant left the area and walked home, retrieved a handgun and returned to confront Rogers. The argument escalated, the defendant took a small, silver gun from his jacket pocket and shot Rogers in the chest. Rogers stumbled back and the defendant then pointed the gun at Ross and attempted to fire but the gun jammed. Ross tried to wrestle the gun from the defendant and ran. The defendant ran in the direction of his residence. Rogers attempted to pursue him but collapsed and died later that night of the gunshot wound to his chest. Witnesses identified the defendant, who remained a fugitive until his arrest the following month for yet another violent crime.

C. The armed robbery, kidnapping, and assault of Alan Davies and assault on John Meaney

On the evening of December 18, 1990, the defendant and his brother, Hector Acevedo, accosted Alan Davies as he was leaving his business in Lynn. The defendant brandished a small, silver handgun and Hector a sawed-off shotgun. The two men forced Davies back into the business and, putting him on the floor, pressed the guns to his neck and head and took his wallet. They tied his legs and arms, blindfolded him, and stuffed his mouth with newspaper after which they dragged him across the floor and tied him to a workbench. They then took Davies' car keys and stole his brown Mercedes. Davies was able to free himself and called police, who relayed a description of the defendants and the car. Lynn Officers John Meaney and James McIntyre heard the dispatch and saw the Mercedes with Hector driving, the defendant in the passenger seat. The officers pursued them and the subjects lost control of the car, sliding into the sidewalk. The defendant exited the car with the sawed-off shotgun and pointed it at Officer Meaney. After re-entering the car, he violently struggled with the officers as he attempted to reach for the silver handgun in his pocket, the same gun used to kill Robert Rogers.

III. INSTITUTIONAL HISTORY

Mr. Acevedo has a poor record of institutional conduct during his 21 years of incarceration. He has eleven disciplinary reports; six of the reports are for assaulting or fighting with another inmate. He most recently fought with another inmate in 2009.

The inmate has very little program participation. He completed two phases of Alternatives to Violence in 2009. He also attended Nuestra Familia meetings in 2009.

IV. PAROLE HEARING ON OCTOBER 25, 2011

Mr. Acevedo does not speak or understand English and required an interpreter at his review hearing. Mr. Acevedo apologized for his crimes, but was incapable of characterizing what he did, he did not appear to appreciate the seriousness of the grave harm he inflicted on his many victims and he still maintained he acted in self-defense in shooting Mr. Rogers and stabbing Mr. Hitchcock. Mr. Acevedo pointed to his difficult upbringing, his limited English skills and his cognitive difficulties as contributing to his atrocious criminal behavior and poor institutional conduct. However, he has failed to avail himself of the array of educational and rehabilitative programming available to him. He has not improved his limited English skills, sought education, developed employable skills, addressed his criminal thinking, reduced his anger problem, or sought to reduce his risk to commit violent acts. His testimony showed a lack of insight, minimization of his crimes, and a failure to understand his propensity to commit violent crimes.

V. DECISION

Robert Acevedo is not a serious candidate for parole. In 1990 he murdered Robert Lee Rogers, stabbed Richard Hitchcock, and kidnapped and robbed Alan Davies with a firearm. He is a dangerous man and has made no commitment to rehabilitation during his 21 years of incarceration. He has a violent prison record, including a fight since his last parole hearing. He has very little program participation. He gives the Parole Board no reason to think he could live in the community without posing a serious risk to others. If released, he would likely re-offend and his release is not compatible with the welfare of society. Accordingly, parole is denied. Given that the inmate shows no desire or effort to reform, there is no reason to shorten the review period of five years.

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


Timothy V. Dooling, General Counsel

November 5, 2012
Date