



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**ROBERTO COLON**

**W62985**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** June 24, 2021

**DATE OF DECISION:** June 22, 2022

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

**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 the 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 unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in 5 years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On July 16, 1997, after a jury trial in Essex County Superior Court, Roberto Colon was found guilty of eight counts of rape of a child and received 8 concurrent life sentences. On that same date, Mr. Colon was convicted of two counts of intimidation of a witness and received concurrent sentences of 4 to 5 years each, to be served concurrently with his life sentences. A charge of violating the Abuse Prevention Act was filed.

In June 1996, a grand jury returned indictments charging Mr. Colon with multiple offenses in connection with the sexual abuse of an 8-year-old girl. At trial, the victim testified that the defendant forced her to engage in multiple acts of vaginal and anal intercourse over a period of two years. Commonwealth v. Colon, 49 Mass. App. Ct. 289, 289–290 (2000).

## **II. PAROLE HEARING ON JUNE 24, 2021**

Roberto Colon, now 65-years-old, appeared before the Parole Board for his review hearing on June 24, 2021. He was not represented by counsel. Parole was denied in 2011 after his initial parole hearing. Mr. Colon postponed his review hearing in 2016. In his opening statement to the Board, Mr. Colon continued to deny that he committed the crimes for which he was convicted.

The Board is concerned that Mr. Colon has completed very few rehabilitative programs during his incarceration. In particular, he has refused to participate in the Sex Offender Treatment Program (SOTP). Board Members explained that as a convicted child rapist, Mr. Colon has not taken any program to address the causative factors of his crimes. Mr. Colon nonetheless told the Board, "If there is a program I can take, I am willing to do it." The Board explained that he would have to transfer to the Bridgewater treatment facility to enroll in the program. Board Members noted that Mr. Colon has received only two disciplinary reports throughout his incarceration and has maintained steady employment.

If paroled, Mr. Colon hopes for a gradual transition within the Department of Correction, including a step-down to a lower security facility. He asked to be paroled to his niece's home in Chicopee, where he plans to obtain a job teaching kids to play sports at a community center.

Two of Mr. Colon's family members testified in support of parole. Essex County Assistant District Attorney Kayla Johnson testified in opposition to parole and submitted a letter of opposition.

## **III. DECISION**

The Board is of the opinion that Roberto Colon has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Parole is denied with a review in five years. Mr. Colon is serving 8 life sentences for rape of a child. He continues to deny the offenses and refuses [the] recommended SOTP. He has had an overall lack of investment in his rehabilitation.

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. Colon'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. Colon's risk of recidivism. After applying this standard to the circumstances of Mr. Colon's case, the Board is of the unanimous opinion that Roberto Colon is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Colon's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Colon to continue working towards his full rehabilitation.

*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 p.p. Counselor*

Pamela Murphy, General Counsel

*6/29/22*

Date