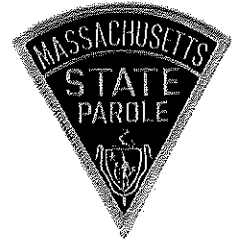


*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

**IN THE MATTER OF
ROLANDO JIMENEZ
W38747**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 21, 2019

DATE OF DECISION: February 18, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, 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 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 three years from the date of the hearing.

I. STATEMENT OF THE CASE

On February 9, 1982, in Middlesex Superior Court, a jury found Rolando Jimenez guilty of second-degree murder in the death of 31-year-old Holliston Police Officer John Johnson. He was sentenced to life in prison with the possibility of parole. On that same date, he was convicted of larceny of a stolen motor vehicle and received a concurrent 3 to 5 year sentence. Additionally, on May 9, 1984, in Middlesex Superior Court, Mr. Jimenez pleaded guilty to assault with intent to murder, assault and battery with a dangerous weapon, and armed robbery for an offense that occurred two months prior to the murder. He received three sentences of 7 to 10 years to run concurrent with one another, but from and after the sentences imposed on February 9, 1982. From 1982 through 2007, Mr. Jimenez filed multiple motions for new trials and appeals, all of which have been denied.

On August 13, 1981, at approximately 10:45 p.m., Rolando Jimenez (age 22) was stopped in a stolen motor vehicle by Officer Johnson. Mr. Jimenez and passenger Jose Solivan had stolen the vehicle approximately 45 minutes earlier in Natick. They exited the vehicle and were ordered against the car by Officer Johnson. Both complied, but Mr. Solivan then ran from the scene. Officer Johnson did not chase after him, but instead, approached Mr. Jimenez. Mr. Jimenez, however, then attempted to run from him, as well. Officer Johnson, who did not have his gun out, gave chase and caught up with Mr. Jimenez in an embankment. They engaged in a struggle, during which time Mr. Jimenez took Officer Johnson's gun and pulled the trigger four times. Three of the shots hit Officer Johnson. Shortly after, Mr. Jimenez emerged from the driveway area next to the embankment and began running in the direction of Holliston Center. Mr. Jimenez had a gun resembling a .357 Smith and Wesson, the regular weapon issued by the Holliston Police Department and carried by Officer Johnson. Witnesses had seen a flashlight waving erratically and heard a gunshot, followed by a pause and three successive shots.

Approximately one and one half hours later, Mr. Jimenez was observed by a police officer and arrested. At the time, Mr. Jimenez denied shooting Officer Johnson, stating that the officer grabbed him and was on top of him. Mr. Jimenez said that he heard three shots, checked himself to see if he was shot, and then saw the officer fall to the ground. Mr. Jimenez became afraid and ran through the woods until he was arrested. He denied taking Officer Johnson's gun. Dr. George Katsas, a forensic pathologist, performed an autopsy and testified that Officer Johnson had been shot three times: one time each in the chest, abdomen, and left thigh. Dr. Katsas further testified that the gun would have been fired from not more than six inches from the body and very improbable that the abdominal wound could have been sustained in the manner described by Mr. Jimenez.

II. PAROLE HEARING ON MARCH 21, 2019

Rolando Jimenez, now 60-years-old, appeared before the Parole Board for a review hearing on March 21, 2019. He was represented by Attorney John Fitzpatrick and a student attorney from the Harvard Prison Legal Assistance Project. He was assisted by a Spanish interpreter and a TTY phone.¹ Mr. Jimenez was denied parole after his initial hearing in 1999, and after his review hearings in 2004, 2009, and 2014. In his opening statement to the Board, Mr. Jimenez apologized for the pain and suffering he caused and stated that he takes "full responsibility for the death" of Officer Johnson.

The Board questioned Mr. Jimenez as to the events leading up to the murder. Mr. Jimenez explained that when he and Officer Johnson became engaged in a struggle, he observed Officer Johnson reach for his gun. Mr. Jimenez said that he "reacted quickly" and "put [his] hand on top of" Officer Johnson's hand. He described what happened next as a "struggle for the gun," during which time "a shot was fired." Then, "there were three shots fired in a row." The Board attempted to clarify if Mr. Jimenez meant (by his use of the passive voice) that the gun had fired accidentally, or if he had shot Officer Johnson intentionally. Mr.

¹ Mr. Jimenez requested the assistance of a Spanish interpreter and the assistance of a device for those with hearing loss or difficulty. The Board provided both the interpreter and the device. During the hearing, the Board asked Mr. Jimenez if he was satisfied with both accommodations, to which he responded in the affirmative. The Board also asked counsel if they were satisfied with both accommodations, to which Attorney Fitzpatrick responded in the affirmative.

Jimenez responded that "during the struggle [he] pulled the trigger four times." He explained, "I am responsible for resisting arrest, if it was an accident or if it wasn't an accident."

The Board raised concerns that the findings in the autopsy report were not consistent with Mr. Jimenez's version of the events. When Board Members noted that he had previously blamed his co-defendant for the murder of Officer Johnson, Mr. Jimenez claimed that he had stopped blaming his co-defendant in 1987, and had "been telling the truth about what happened" in his prior parole hearings. The Board then inquired as to the reasoning behind his numerous appeals, to which Mr. Jimenez explained that he was unaware, at times, that his attorneys were filing appeals on his behalf.

Mr. Jimenez completed his GED and has participated in numerous programs, including Restorative Justice, Alternatives to Violence, and Jericho Circle. He told the Board that these programs have taught him about truthfulness, overcoming antisocial behavior, and victim empathy. When Board Members noted that (since his last hearing) Mr. Jimenez received a disciplinary report involving a fight with another inmate, he explained that after an argument, the "young person in [him] came back." He claimed that he wanted to hurt the other inmate, but instead, decided to inform institutional staff about the incident.

Mr. Jimenez's friend testified in support of parole. Letters of support were submitted for the Board's consideration. The Board considered testimony from Officer Johnson's nephew and son in opposition to parole. Retired Framingham Police Department Lieutenant Michael Hill and Holliston Police Department Chief Matthew Stone testified in opposition to parole. Middlesex County Assistant District Attorney Joseph Gentile testified in opposition to parole and submitted a letter of opposition. The Board considered additional letters in opposition to parole from the Massachusetts Chiefs of Police Association, the Massachusetts Coalition of Police, the Holliston Police Association, and retired Holliston Police Chief W. Laurence Marsell.

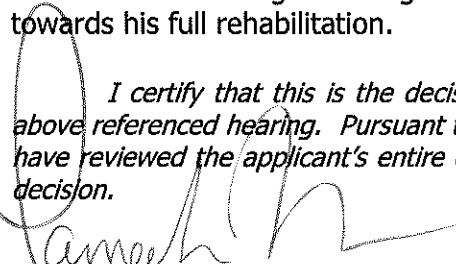
III. DECISION

Rolando Jimenez has served approximately 38 years for the murder of Holliston Police Officer Johnson. Although he has engaged in treatment/programming, he lacks candor as it relates to the offense. The Board remains concerned as to the varying versions that have been presented at prior hearings. The Board did make the requested accommodations.

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

Mr. Jimenez's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages him 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, General Counsel

2/18/2020

Date