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**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**ROLANDO JIMENEZ**

**W38747**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** March 13, 2014

**DATE OF DECISION:** October 1, 2014

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Shelia Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

Rolando Jimenez appeared before the Massachusetts Parole Board on March 13, 2014, for a review hearing on the life sentence that he is currently serving for the murder of Holliston Police Officer John Johnson, age 31. On February 9, 1982, Jimenez was convicted of second degree murder in Middlesex Superior Court. Jimenez also received a concurrent three to five year sentence for larceny of a stolen motor vehicle. He seeks parole to serve that sentence. Additionally, on May 9, 1984, in Middlesex Superior Court, Jimenez received a seven to ten year sentence for armed robbery, and concurrent seven to ten year sentences for assault and battery by means of a dangerous weapon and robbery. These crimes occurred two months prior to the murder, but the sentences are to run from and after his three to five year sentence for larceny of a motor vehicle.

On August 13, 1981, at approximately 10:45 p.m., Jimenez, then age 22, was stopped in a stolen motor vehicle by Officer Johnson. Jimenez and Jose Solivan had stolen the vehicle approximately 45 minutes earlier in Natick. Jimenez and Solivan exited the vehicle and were ordered up against the car by Officer Johnson. They both complied. Solivan told Jimenez, in Spanish, that he was going to run because he did not want to go to jail. Jimenez did not respond. Solivan then ran up Washington Street towards Holliston Center and did not return to the vehicle.

Jimenez ran in the opposite direction of the vehicle, over an embankment with Officer Johnson close behind. Officer Johnson did not have his gun out. Witnesses saw a flashlight waving erratically, and shortly thereafter heard a gunshot followed by a pause and three successive shots. About five seconds later, Jimenez emerged from the driveway area next to the embankment and began running up Washington Street in the direction of Holliston Center. He was running with a gun resembling a .357 Smith and Wesson, the regular weapon issued by the Holliston Police Department and carried by Officer Johnson.

Approximately one and one half hours after the shooting, Jimenez was observed by a police officer and was arrested. At that time, Jimenez denied shooting Officer Johnson, stating that after Officer Johnson grabbed him and was on top of him, he heard three shots, checked himself to see if he was shot, saw the officer fall to the ground, became afraid and ran through the woods until he was arrested. Jimenez denied taking Officer Johnson's gun.

Dr. George Katsas, a forensic pathologist, performed an autopsy on Officer Johnson and testified at trial that Officer Johnson had been shot three times: one time each in the chest, abdomen and left thigh. Dr. Katsas further testified that powder residue corresponding to the wound on the thigh evidenced that the gun would have been fired from not more than six inches from the body. He stated that the wound could not have been inflicted if Officer Johnson was bent over or pressed up against another person. Likewise, Dr. Katsas testified that it would have been very improbable that the abdominal wound could have been sustained in the manner described by Jimenez.

## **II. CRIMINAL AND INSTITUTIONAL HISTORY**

Rolando Jimenez's criminal history began at 15 years old in Puerto Rico when he was caught selling marijuana. It continued after he arrived in Massachusetts in 1977. His history of violent behavior dates back to July 1979, when he was arrested for assault and battery with a dangerous weapon and assault to kill for beating a man with a golf club. After trial, he was convicted of assault and battery with a dangerous weapon and sentenced to a three month commitment followed by a two year period of probation. The trial judge suspended the imposition of the sentence and allowed Jimenez to drive his wife back to Framingham and then return to court in the afternoon for imposition of the sentence. Jimenez, however, never returned and a warrant was issued.

On June 10, 1981, while still on warrant status, Jimenez and two of his associates robbed a gas station in Ashland. Jimenez announced to the attendant, Rafael Hernandez, age 43, that they were committing a robbery and forced Mr. Hernandez to the back room at gun point. Jimenez then knocked Hernandez to the floor. When Hernandez stated that he would

give them the money, Jimenez placed his foot to the side of Hernandez' face and responded, "I don't care. I'll shoot you anyway."

Jimenez's two associates then entered the back room, removed Mr. Hernandez's clothing, and took his wallet. Jimenez directed one of his associates, in Spanish, to "stick him." One of the associates stabbed Hernandez in his right side with a large hunting knife. Mr. Hernandez survived the attack. Jimenez and his associates stole \$70 from Hernandez and \$263.35 from the gas station. These events resulted in three concurrent seven to ten year sentences ordered to run from and after the larceny of a motor vehicle charge that was connected to the murder.

Jimenez has served 33 years of a life sentence. He has had four returns to higher custody and has incurred 11 disciplinary reports during this incarceration. The most notable involve violent and assaultive behavior, including an infraction for fighting in 1983, an assault on an inmate in 1985, and an assault on a correction officer in 1986. Jimenez was returned to higher custody in April 1985 for the assault on the inmate, and was returned again in 1987 for refusing to turn over jewelry to be inventoried. Jimenez was also returned to MCI Norfolk in February 1997 while he was investigated for setting fires, but he was returned to Bay State Correctional Center without formal charges.

Jimenez's programming to address his issues of assaultive and violent behavior continues to be limited. Since his last hearing Jimenez has completed computer courses, two phases of Mental Health Therapy Group, and attended ESL (English as a Second Language) classes. Prior rehabilitative programming includes Jericho Circle in 2005 and Alternatives to Violence in 1998 and 1999, and Emotional Awareness in 1996. He achieved his GED in 1996, and currently works as a janitor.

### **III. PAROLE HEARING ON MARCH 13, 2014**

This is Rolando Jimenez's fourth appearance before the Board. He appeared before the Board for this review hearing after being given five-year reviews following each of his previous three hearings in 1999, 2004, and 2009. The denials by previous Boards focused on his violent criminal history and his failure to give accurate information about the murder of Officer Johnson.

Jimenez began the hearing by asserting that he has always accepted responsibility for shooting Officer Johnson. Jimenez told the Board, however, that the gun discharged during a struggle while it was in Officer Johnson's possession. Jimenez said he picked up the gun after the shooting. Board Members do not accept Jimenez's assertion that Officer Johnson accidentally shot himself three times.

Several Board Members reminded Jimenez about his previous inconsistent testimony, contradictory appeals, and his original statement to police, and expressed concern that this did not demonstrate rehabilitation. In response, Jimenez insisted that he has taken "full responsibility" for shooting Officer Johnson since his first hearing. A Board Member outlined that Jimenez has accepted minimal responsibility for the shooting at earlier parole hearings but, when denied parole, has maintained that he did not shoot Officer Johnson in post-conviction motions for a new trial. When asked what effect his contradictory and inconsistent statements

may have on Officer Johnson's family, Jimenez disavowed knowledge of what was asserted in court filings. He deflected the blame onto his attorney, stating, "I do understand how the family and the community of Holliston are affected by this, but I say once again that the attorney was the one filing all the paperwork." Despite implying earlier in his testimony that he was not aware of the content of court filings, he later claimed that, when he learned what his counsel had filed, he confronted the attorney. A Board Member told Jimenez that "rehabilitation starts with the truth, and submitting appeals that directly contradict your previous admissions is not rehabilitation; just the opposite."

The Board also expressed concern about Jimenez's sparse rehabilitative programming and lack of effort to address his issues with anger. Jimenez informed the Board that he would "like to continue working on my anger issues." He stated that he had applied to Correctional Recovery Academy, but was denied. When asked whether he appealed that denial, he stated that he had done so, but was unable to tell the Board the result. Jimenez told the Board that he participated in mental health counseling for a year during which time he learned that he "needs to be more consistent" when dealing with his anger. A Board Member asked Jimenez why he had signed up for mental health services and he replied that he had done so because "he didn't understand why Parole denied him."

No one testified in support of parole release. Officer Johnson's son, Brian Johnson, daughter, Jessica Arinson, nephew, Officer Mark Thibeault, Lt. Mike Hill, Millis Police Department Chief Keith Edison, and Middlesex Assistant District Attorney Adrienne Lynch testified in opposition to parole release.

#### **IV. DECISION**

Rolando Jimenez's conduct in murdering Officer John Johnson and committing other violent crimes shows an antisocial and violent person who has a long and challenging path to rehabilitation. The antisocial conduct begins with a conviction for assault and battery with a dangerous weapon for beating a man with a golf club. After a jury trial and sentencing, a judge fell victim to Jimenez's antisocial behavior. The judge let Jimenez leave the courthouse to "give my wife a ride to work" and Jimenez did not return for imposition of a three month commitment. While still on warrant status in June 1981, Jimenez committed a vicious armed robbery in which he tied up the clerk at gun point. Two months later, in August 1981, Officer Johnson stopped Jimenez at night in a stolen car and minutes later Jimenez shot and killed Officer Johnson. This series of events establishes Jimenez as a very dangerous person who needs considerable rehabilitation.

Jimenez has minimal program participation and has yet to make a commitment to rehabilitation. His lack of reform is evidenced by the false statements that Jimenez has made repeatedly since the murder. He has alternated between making limited admissions and complete denial. At the hearing, he settled on a new version: "we struggled and the gun went off as we struggled" with the gun in Officer Johnson's hand. Officer Johnson was shot three times, which is incompatible with Jimenez's story that Officer Johnson accidentally shot himself. Blatantly misrepresenting the critical facts for self-serving and manipulative purposes is incompatible with rehabilitation.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, the Board finds that Mr. Jimenez is not a suitable candidate for parole because he is not rehabilitated. The review will be in five years, during which time Jimenez should commit to rehabilitation to address issues of violence, antisocial behavior, criminal thinking, dishonesty, and lack of empathy.

*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.*

  
Janis DiLoreto Smith, General Counsel

10/1/19  
Date