



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF
RUDOLFO VIEIRA
W82331

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: August 29, 2019
DATE OF DECISION: March 31, 2020

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

STATEMENT OF THE CASE: On August 27, 2003, in Barnstable Superior Court, Rodolfo Vieira pleaded guilty to second-degree murder of Spencer MacLeod. He was sentenced to life imprisonment with the possibility of parole. On the same date, Mr. Vieira also pleaded guilty to the charges of home invasion and armed burglary, receiving sentences of twenty years to twenty years and a day for each, and assault and battery with a dangerous weapon, receiving a sentence of nine to ten years; all were ordered to be served concurrently with his life sentence.

Mr. Vieira, now 37-years-old, appeared before the Parole Board for an initial hearing on August 29, 2019 and was not represented by counsel. The entire video recording of Mr. Vieira's August 29, 2019 hearing is fully incorporated by reference to the Board's decision.

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 decision that the inmate is a suitable candidate for parole. Reserve to Immigration and Customs Enforcement (ICE) as he has been ordered deported to Brazil. Mr. Vieira has served 17 years for the murder of Mr. MacLeod and the beating/stabbing of Mr. Kimball. It is the opinion of the Board that he has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

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. Vieira’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. Vieira’s risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Vieira’s case, the Board is of the opinion that Mr. Vieira is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Immigration and Customs Enforcement (ICE) as he has been ordered deported to Brazil; Approved home plan before release; Release to other authority – ICE detainer; Waive for work for 2 weeks; Must be at home between 10 p.m. and 6 a.m. at PO discretion; ELMO-electronic monitoring at PO discretion; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times a week.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Vieira, through counsel, has waived his right to a full administrative decision.

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

Pamela Murphy /s/
Pamela Murphy, General Counsel

3/31/2020
Date

**** signed electronically due to COVID-19**