



The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

VICTOR DAVILA

W39567

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 24, 2013

DATE OF DECISION: March 7, 2013

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

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Victor Davila murdered Carmen Ortiz Rodriguez by shooting her once in the head on September 11, 1982 in Cambridge. He also shot two other people, including a bystander who was permanently paralyzed.

The circumstances began with a fight between two women, Ms. Rodriguez and Cheryl Costa, in a parking lot at 362 Rindge Avenue. Cheryl Costa was a friend of Victor Davila's; they had been drinking beer and smoking marijuana together for several hours on September 11. There were several men nearby, including Davila, as the fight began. Davila pulled out a handgun, apparently with the intent to assist Cheryl Costa if needed. John Guzman tried to grab the gun, and Davila shot him in the hand and the lower back, which caused partial immobility of Mr. Guzman's leg. Davila walked over to the women who were on the ground fighting. Cheryl Costa was on top of Carmen Rodriguez. Davila stood over Ms. Rodriguez and shot her in the head. He turned and fired a shot at Carmen Rodriguez's adult son who was running away. That bullet missed the intended target and struck Luis Torres in the back. The bullet damaged Mr. Torres spine and left him paralyzed from the waist down. Victor Davila fled to New Jersey, where he was arrested on September 17, 1982.

Davila pleaded guilty to second degree murder on March 2, 1983 and received a life sentence. For the shootings of John Guzman and Luis Torres, Davila pleaded guilty to two counts of armed assault with intent to commit murder and received two concurrent 10 to 20 year sentences that have expired. He also pleaded guilty to several other crimes resulting from the incident and received concurrent sentences that have expired.

II. INSTITUTIONAL HISTORY

Victor Davila's institutional history includes 22 years of violence and disruption followed by eight years of improved behavior and program participation. Since 2006 Davila has obtained a GED and completed a commercial driver's license program. He has completed or participated in the following programs: the Correctional Recovery Academy and Relapse Prevention; Jericho Circle; Alternatives to Violence (several phases); 12 Steps AA; Anger Management; Violence Reduction; Emotional Awareness; Thinking for a Change; Problem Solving; Emotional Awareness; and several Prison Fellowship programs. This is a very active record of program participation in recent years. During those eight years, he has received four disciplinary reports. The most recent disciplinary incident occurred in December 2008 when Davila swore at corrections officer, made threatening comments, and threw an object.

For the first two decades of his sentence, Davila was among the most violent and dangerous of inmates. In dealing with corrections officers, he regularly made violent threats, spit at officers, threw objects at officers (including feces), and assaulted officers (sometimes using a weapon). He was also disciplined for fighting with inmates, using boiling water to burn an inmate, possessing a hand cuff key, homebrew, marijuana use, possession of weapons, destroying property, and flooding cells. He has spent several years in the Disciplinary Segregation Unit and the Disciplinary Detention Unit. His last sentence to DDU was in 2004. He has twice sued the Department of Correction alleging that he was the victim of violence by corrections officers (in 1988 and 1992); the DOC settled those suits, each time for approximately \$10,000. In 1985 he attempted to escape from Bridgewater State Hospital. The DOC records him as a member of the Latin Kings, which Davila denies.

II. PAROLE HEARING ON JANUARY 24, 2013

Victor Davila presented an unpolished and candid account of his criminal activity and violent prison conduct. He attributed his much-improved prison behavior to a turnaround in 2005 that started with the Jericho Circle program and led him through many rehabilitative programs, religious involvement, more compliance with rules and authority, family reconnection, and non-violent conflict resolution.

At age 19, Davila moved to Cambridge, Massachusetts to live with siblings. He admitted that he left his home in New Jersey because he was on parole and did not want to be supervised or violated. Upon arriving in Massachusetts, he sold marijuana and carried a gun as part of his drug business. He lived here only a few months before committing the murder. He was carrying a gun on the day and night of the murder.

The inmate discussed his exceedingly violent behavior in prison. He said that for the first 25 years in prison "I was crazy and the place was crazy; I accepted that prison was crazy and I loved it." He admitted causing a violent assault with inmates against corrections officers in 1997. He said that "it was petty, I had a chip on my shoulder." Of the several assaults he committed on staff, Davila described one as follows: "I tried to get him in my cell by taunting him, but he wouldn't come in; but I slipped my cuffs and I smashed him up." He admitted that

in 2004, he incited a large disturbance that caused a lock down of the entire prison. He described that in 1985 he cut bars in a window and jumped into the yard in an attempt to escape.

Davila said that "after the 1997 incident I woke up, but I did not know how to change; I did not have the tools, all I knew was how to fight; you could see hate in my face back then." He said Jericho Circle was his first program and that it was enlightening because "I never seen men speak about their issues before." He said that he has been helped by steady program work beginning in 2005, which has led him to reconnect with his family and participate in some religious activity.

Middlesex Assistant District Attorney Lila Palmer spoke in opposition to parole. Five people, including four family members, spoke in support of Davila's parole.

III. DECISION

Victor Davila has considerably improved his conduct in prison and has made a commitment to rehabilitative program participation. The rehabilitative work has assisted Davila in developing a better attitude and more self-control. Davila, however, has established through his criminal conduct, his prior parole failure, and his prison conduct, that he is a very dangerous person. For two decades, he used the institutional environment to nurture his anger, resentment, aggression, criminal thinking, and hostility. He needs many years of compliant behavior and much work to address the anger, aggression, and criminal thinking. The last eight years are a good start and have provided him a solid base for further rehabilitation. At this point, however, Davila would likely re-offend if released and parole release is not compatible with the welfare of society. Because he needs many years of compliant behavior and rehabilitative work, there is no reason to shorten the statutory period of five years before the next hearing.

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.



Josh Wall, Chairman



Date