

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**WILLIAM SANTOS**

**W92075**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** June 23, 2020

**DATE OF DECISION:** March 16, 2021

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

**I. STATEMENT OF THE CASE**

On May 5, 2008, after a jury trial in Middlesex County Superior Court, William Santos was convicted of first degree murder in the shooting death of Daniel Rodriguez. Mr. Santos was sentenced to life in prison without the possibility of parole. On that same date, he was found guilty of armed robbery and received a 15 to 20 year sentence to run concurrent with his murder conviction. On October 21, 2015, Mr. Santos was granted a new trial. He pleaded guilty to second degree murder and was sentenced to life with the possibility of parole.<sup>1</sup>

<sup>1</sup> Commonwealth v. William Santos, 463 Mass. 273 (2012)

On July 26, 2005, William Santos, along with his co-defendants<sup>2</sup> (Jose Benitez and Jesus Marquez) arranged to purchase heroin from Daniel Rodriguez. The men contacted Mr. Rodriguez and decided on a location to meet. Prior to their arrival, however, Mr. Santos and his co-defendants decided to rob Mr. Rodriguez. When they arrived at the designated location, Mr. Marquez waited in the car, while Mr. Santos, who was armed with a loaded firearm, and Mr. Benitez exited the car. As the men approached him, Mr. Rodriguez became confrontational. As a result, Mr. Santos shot Mr. Rodriguez in the chest, killing him. Witness testimony confirmed that both Mr. Santos and Mr. Benitez fled the scene once the gun was fired.

## **II. PAROLE HEARING ON JUNE 23, 2020**

William Santos, now 55-years-old, appeared before the Parole Board on June 23, 2020, for an initial hearing. He was not represented by counsel. Mr. Santos provided an opening statement to the Board in which he took responsibility and apologized to the victim's family for the murder of Mr. Rodriguez. Expressing remorse for his actions, Mr. Rodriguez stated, "I took away a son, a brother, a loved one." When Board Members questioned him as to the details leading up to the governing offense, Mr. Santos said that he and Mr. Rodriguez knew each other for approximately five months in a relationship that consisted (mostly) of narcotics sales. Mr. Santos admitted to purchasing heroin from Mr. Rodriguez on numerous occasions. He also explained that, prior to the murder, he sold Mr. Rodriguez furniture, but Mr. Rodriguez failed to pay him. So, when his co-defendant proposed that they rob Mr. Rodriguez, Mr. Santos agreed.

Upon questioning, Mr. Santos indicated that his co-defendant "made" him shoot Mr. Rodriguez; if his co-defendant had not handed him the gun, Mr. Rodriguez would not have died. Moreover, Mr. Santos stated that his co-defendant was the one who planned the robbery. He "just went along with it" because he wanted the money from the furniture sale. When the Board inquired as to whether he intended to kill Mr. Rodriguez, Mr. Santos replied in the negative. When asked why the confrontation turned fatal if that was not his intention, Mr. Santos explained that Mr. Rodriguez "hit him with a bottle," causing him to fire the gun. Mr. Santos claimed that it was a "reflex." Mr. Santos also told the Board that, prior to his arrest, he believed that he had shot Mr. Rodriguez in the arm and only discovered that he died when he read the newspaper. The Board also questioned Mr. Santos about a necklace that was reportedly stolen from Mr. Rodriguez. Despite reports that he was in possession of the necklace shortly after the crime, Mr. Santos denied such claims. When asked to address the discrepancy between his assertion and witness testimony, Mr. Santos stated that Mr. Rodriguez may have sold the necklace to his co-defendant prior to the governing offense. Ultimately, the Board expressed concern about Mr. Santos' lack of accountability for the death of Mr. Rodriguez and his tendency to minimize his culpability.

In 2012, Mr. Santos accepted his role in the murder of Mr. Rodriguez and, although successful on appeal, pleaded guilty. When questioned by the Board, Mr. Santos stated that he did not want to put the Rodriguez family through another trial. He claimed that he previously failed to tell the truth because he feared retaliation due to his co-defendants' gang affiliations. As to his own gang affiliation, Mr. Santos admitted to becoming a member at the onset of his incarceration, but shared with the Board that he is planning to begin the renunciation process once he is given the required forms. When Board Members made note of a disciplinary report

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<sup>2</sup> Jose Benitez was convicted of first degree murder and sentenced to life in prison without the possibility of parole. Jesus Marquez pleaded guilty to accessory before the fact and received a sentence of 3 to 5 years.

involving a gang ordered "hit," Mr. Santos responded that he was not involved, despite a letter that was sent to him and his family about the matter. As a result, Mr. Santos received a 6 month sentence in the Disciplinary Detention Unit in 2006. Although Mr. Santos maintains that he no longer associates with his fellow gang members, the Department of Corrections ("DOC") continues to classify him as a validated member. The Board emphasized the importance of fully renouncing his affiliation, as it is a critical component to his rehabilitation.

Board Members raised their concern as to Mr. Santos' extensive criminal history, as well as his problematic institutional adjustment. The Board noted that, at the time of the governing offense, Mr. Santos was on probation. While incarcerated, Mr. Santos has received numerous disciplinary infractions. The Board questioned Mr. Santos about his most recent report, which occurred approximately 1 month before his parole hearing and involved the possession of homebrew. Mr. Santos initially claimed that the ingredients the guard found were meant to be discarded; however, when Board Members asked for further clarification, he admitted to having the homebrew for his own consumption. Despite this report, Mr. Santos told Board Members that he no longer struggles with substance abuse and has remained sober for approximately 15 years. When asked why he attempted to consume the homebrew, he explained that he was "bored." Board Members also addressed two additional disciplinary reports that resulted in Mr. Santos being sentenced to the Disciplinary Detention Unit. In 2008, he made threatening statements about an officer in a letter he attempted to send to his mother. Several months later, he assaulted an officer. Both incidents demonstrate Mr. Santos' combative behavior and anti-social disposition.

When asked about his programming efforts, Mr. Santos explained that he benefitted most when he was able to discuss topics, such as addiction and criminal thinking, in a group setting. He has completed several programs, including the Correctional Recovery Academy ("CRA"), Anger Management, and Violence Reduction. The Board also noted his consistent employment record; Mr. Santos stated that he currently works as a janitor and had previously worked at Cedar Junction Plate Shop (a position he held for approximately 4 years). Additionally, Mr. Santos is in the process of obtaining his GED and is on the wait list for various programs.

The Board considered oral testimony in opposition to parole from Middlesex County Assistant District Attorney Elizabeth Dunigan, as well as a letter of opposition submitted by Assistant District Attorney Adrienne Lynch.

### **III. DECISION**

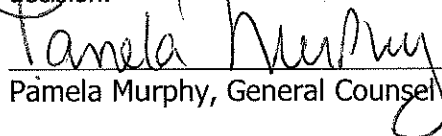
It is the opinion of the Board that William Santos has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On July 26, 2005, William Santos shot and killed 21-year-old Daniel Rodriguez. It wasn't until 2013 that he admitted to the murder. Mr. Santos has a concerning criminal history dating back to the 1980's. He is a multi-state offender. During this commitment, his adjustment has been problematic. He is a validated [STG (Security Threat Group)] member. He has had several placements in Segregation and in the Disciplinary Detention Unit as a result of his criminal thinking and behavior. He has engaged in some programming and was pursuing his GED prior to COVID-19. Mr. Santos is encouraged to pursue renunciation of his STG affiliation, participate in all recommended treatment and programming, and maintain a positive adjustment. His last disciplinary infraction occurred approximately one month before his parole hearing. In rendering


their decision, the Board did consider the COVID-19 pandemic and Mr. Santos' underlying medical issues.

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

Mr. Santos' next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Santos to continue working toward 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

  
Date