



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

RICOBERTO ROSE

W41201

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 29, 2015

DATE OF DECISION: December 9, 2015

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Paul Treseler.

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 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 in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On February 28, 1985, in Suffolk Superior Court, Ricoberto Rose was sentenced to five concurrent life sentences for two murders and three armed robberies. In addition to the life sentences, Rose was sentenced to serve concurrent sentences of 9 to 10 years for assault and battery with a dangerous weapon and 4 to 5 years for unlawfully carrying a firearm. He also received a consecutive sentence of 3 to 5 years for armed robbery. There have been no appeals on his cases.

On September 15, 1983, Boston police responded to the area of Columbus Avenue and Dimock Street on reports of a shooting. When the police arrived, they found Tommie Lee Jones sprawled across the front seat of a 1979 Plymouth Horizon. Mr. Jones suffered gunshot wounds to his chest and right thigh, dying as a result of the chest wound. Investigation revealed two individuals who had been with Jones when he was shot. Both gave statements to

police, which led to the eventual arrest of Leroy Davis¹ and Rose sometime in late spring 1984. Rose was 19-years-old when he shot Mr. Jones.

On October 22, 1983, Ricoberto Rose was involved in an altercation with James Ross on Walnut Park in Roxbury. Rose stabbed Mr. Ross in the neck, killing him.

On April 20, 1984, Rose shot and injured an innocent bystander while attempting to shoot another person. The victim was riding his bicycle in the area of Walnut Avenue and Westminster Street in Roxbury. Rose missed his target and struck the victim instead.

On April 24, 1984, an off-duty police officer observed Rose robbing a man at knifepoint on Atherton Street in Roxbury. Rose was 21-years-old at the time and in the company of an 18-year-old female and a 16-year-old male. The officer requested backup and, with the assistance of another officer, apprehended all three. Rose, who had assumed the name Michael Leonard, was found in possession of a knife and 22 dollars, which he had robbed from the victim.

II. INSTITUTIONAL AND PAROLE HISTORY

Ricoberto Rose has served over 30 years on his life sentences. During that time, he incurred 66 disciplinary reports and spent nearly four years in the Departmental Detention Unit. Rose also spent close to eight years in the custody of the New Mexico Department of Correction, where he received five additional (major) disciplinary reports. Rose was transferred to New Mexico in 1998 because he was a management problem in Massachusetts. He was returned to the Massachusetts Department of Correction in November 2004.

Rose had his initial parole hearing before the Board in September 2000. He was denied parole with a review in five years. In the Board's decision, they cited Rose's violent history and poor institutional adjustment. After his next hearing in September 2005, Rose was again denied parole with a review in five years. Rose next appeared before the Board in September 2010, and was again denied parole with a review in five years. The Board cited his relatively short period of positive behavior among decades of poor adjustment. They also noted that Rose needed to increase program participation as part of his rehabilitation.

III. PAROLE HEARING ON SEPTEMBER 29, 2015

Ricoberto Rose, age 52, appeared for his fourth hearing before the Massachusetts Parole Board on September 29, 2015, and was represented by Attorney John Rull. Rose has been incarcerated for over 30 years, and has been denied parole on three previous occasions due to poor institutional adjustment and insufficient programming.

Rose acknowledged that his past behavior impeded his opportunities for parole. He has a total of 66 disciplinary reports, but only one since his last parole hearing in 2010. In April of this year (2015), Rose received that disciplinary report for a fight with another inmate. Rose said the other inmate punched him in the mouth after he accused the inmate of stealing his property, and that he fought to defend himself. Rose acknowledged that he could have handled things differently and that he escalated the dispute by having other inmates witness

¹ Leroy Davis was charged as a codefendant in the murder of Tommie Jones. He agreed to plead guilty to manslaughter and accept a sentence of 12 to 20 years in exchange for his testimony against Rose.

the confrontation. While reflecting on his actions, Rose said he knew the incident would affect his chance of parole.

Over the past five years, Rose completed programs such as Alternatives to Violence and Jericho Circle Project, and has continued attending weekly AA/NA meetings. Rose is currently attending Jericho Circle Intensive, Emotional Awareness, and Financial Planning, as well as working in the Maintenance Department at MCI-Norfolk. However, Rose seemed very anxious during the hearing and had a difficult time answering questions without prodding from his attorney. Rose mentioned that he had regularly received mental health counseling for six years while he was held in New Mexico, but that he has not been able to receive such counseling since his return to Massachusetts. He said he would like to have mental health counseling because he still has "a lot of things to get out."

Rose's wife of 15 years, his aunt, and his uncle all spoke in support of parole for Rose.


Suffolk County Assistant District Attorney Charles Bartoloni spoke in opposition to parole. ADA Bartoloni cited Rose's recent fight, his ongoing need for mental health counseling, and his lack of insight in the two underlying murders as evidence that Rose is not ready for parole. In addition, Boston Police Commissioner William Evans submitted a letter to the Board in opposition to parole.

III. DECISION

Ricoberto Rose committed two murders within the span of five weeks, and thereafter committed assault and batteries with dangerous weapons and armed robberies. He has been incarcerated for over 30 years. His overall institutional adjustment has improved over the recent years, but he still shows signs of poor decision-making and an inclination towards violence, as evidenced by the fighting incident in April of this year. Rose also presented as very anxious and in need of mental health counseling for unresolved issues. On more than one occasion during the hearing, he said, "I still have a lot to work out." This Board agrees.

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, it is the unanimous opinion of the Board that Ricoberto Rose does not merit parole at this time. The review will be in three years, during which time Rose is encouraged to actively seek mental health treatment and to engage in rehabilitative programming that will prepare him for reentry into the community.

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.


Michael J. Callahan, Executive Director

December 9, 2015
Date