

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

Kevin M. Burke
Secretary

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

Mark A. Conrad
Chairman

Donald V. Giancioppo
Executive Director

RECORD OF DECISION

In The Matter of

ROLANDO JIMINEZ
W38747

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 10, 2009

DATE OF DECISION: March 31, 2009

PARTICIPATING BOARD MEMBERS: Mark Conrad, Doris Dottridge, Candace Kochin, Pamela Lombardini, Thomas F. Merigan, Jr., Leticia Munoz

DECISION OF THE BOARD: [Parole] Denied. 5 year review.

Rolando Jiminez appeared before the Massachusetts Parole Board on March 10, 2009, for a review hearing. This is Mr. Jiminez's third appearance before the Board.

~~On February 9, 1982, in Middlesex Superior Court, after a trial by jury, Mr. Jiminez was convicted of the second degree murder of Holliston Police Officer John J. Johnson, age 31, and sentenced to life imprisonment. He also received a 3 to 5 year sentence, to be served from and after his life sentence, for larceny of a motor vehicle.~~

At the time of the murder, Mr. Jiminez was on probation for his 1979 conviction for assault and battery by means of a dangerous weapon. He also had defaulted on several warrants issued by Framingham District Court. In May, 1984, Mr. Jiminez received additional sentences in Middlesex Superior Court stemming from these crimes. The sentences, 7 to 10 years each, to be served concurrent with his life sentence, were for armed robbery, assault with intent to murder, and assault and battery by means of a dangerous weapon.

The facts of Mr. Jiminez's offense are as follows: On August 13, 1981, at approximately 10:45 p.m., Mr. Jiminez was stopped in a stolen motor vehicle by Officer Johnson. Mr. Jiminez and Jose Sullivan had stolen the vehicle approximately 45 minutes earlier in Natick.

Mr. Jiminez and Mr. Sullivan exited the vehicle and were ordered up against the car by Officer Johnson, which they did. Mr. Sullivan then edged toward the back of the car and ran up Washington Street toward Holliston Center. Shortly thereafter, Mr. Jiminez started to run in the opposite direction, whereby Officer Johnson pursued him over an embankment. Officer Johnson did not have his gun out. Within seconds, 4 shots were heard by witnesses, and then Mr. Jiminez was seen running up Washington Street with a gun in his hand. When additional officers arrived to assist and administer first aid to Officer Johnson, his gun was missing from his uniform holster. Officer Johnson had been shot 3 times; once in the chest, once in the stomach and once in the groin, later dying from the injuries he sustained.

On appeal of his convictions, the Massachusetts Appeals Court affirmed the judgments, see Commonwealth v. Jiminez, 17 Mass. App. Ct. 933 (1983), and his application for further appellate review was subsequently denied. See Commonwealth v. Jiminez, 390 Mass. 1106 (1984).

Following the trial court's order denying Mr. Jiminez's motion for new trial because the issues addressed could have been raised in his initial appeal, the Appeals Court reversed the order and remanded the case for consideration of the motion on its merits. See Commonwealth v. Jiminez, 30 Mass. App. Ct. 1119 (1991). On remand, the trial court denied the motion, its order was affirmed, see Commonwealth v. Jiminez, 35 Mass. App. Ct. 1116. (1993), and Mr. Jiminez's application for further appellate review was denied. See Commonwealth v. Jiminez, 416 Mass. 1110 (1994).

Following Mr. Jiminez's first parole hearing in May, 1999, the Board voted to deny parole and set a 5 year review date. The Board noted that Mr. Jiminez had yet to come to terms with his offenses. It noted that during the hearing he initially admitted that he shot Officer Johnson but refused to admit it was intentional. The Board further noted his prior assaultive and violent history. Those factors, combined with his lack of truthfulness, deemed him to be a risk to re-offend.

In March, 2004, the Board again denied parole and set a 5 year review date, noting Mr. Jiminez's violent and lengthy criminal history, the conflicting information he presented regarding his governing offense, and that Mr. Jiminez had not undergone any significant changes since his 1999 hearing.

In August, 2006, following his second parole denial, Mr. Jiminez again filed a motion for new trial, arguing that statements he made subsequent to the murder should have been suppressed as not voluntary. He also questioned eyewitness accounts and stated that he "has maintained from the beginning [] that he did not shoot and kill Officer Johnson." In denying the motion without a hearing, the trial court stated that the motion "fails to raise any substantial issue that was not raised in earlier motions or waived by not being so raised." Mr. Jiminez's subsequent motion for reconsideration in which he reiterated that the "evidence is weak" and that "[t]here is no scientific evidence linking him to the shooting," filed in August, 2007, was also denied by the trial court.

While incarcerated, Mr. Jiminez has incurred 11 disciplinary reports and 4 returns to higher custody. Two of his returns to higher custody resulted from violent behavior – an assault on an inmate, and an assault on a correction officer. He incurred his last disciplinary report in March, 2006, for being out of place, in an unauthorized area.

Mr. Jiminez has engaged in programming that includes Long Term Offenders Support Group, Therapy Group for Spanish Speaking Prisoners, Coordinator for AA/Christian Fellowship and a basic course in non-violent conflict resolution offered by the Society of Friends.

He completed his GED in 1996. Since his last parole hearing, Mr. Jiminez has completed Anger Management, Jericho Circle, ESL-English as Second Language, Computer Skills, Tutor in Computer Lab, and the Reentry Services Program. He currently participates in ESL classes, Computer Skills and Prison Voices. He receives positive unit/work reports and is not considered a management problem.

The Board recognizes Mr. Jiminez's program participation, and his strong family support. Nonetheless, the Board is of the opinion that Mr. Jiminez continues to represent an unacceptable risk to the community. The Board remains concerned that Mr. Jiminez neither has accepted responsibility for the murder of Officer Johnson, nor does he appear remorseful for his actions. He did not express his sorrow for Officer Johnson's family until prompted to do so by one of the Board members. He appears to minimize the severity of his crime. In addition to continuing to provide inconsistent versions of the governing offense, he appears to lack insight into his violent criminal propensities, and views himself as a victim in these circumstances. He needs to participate in more meaningful programs aimed at addressing these concerns.

We cannot ignore that until very recently, Mr. Jiminez stated in court documents that he has always maintained his innocence of the heinous crime for which he was convicted, while, at the same time, admitting to the Board his role in the offense. In addition, the Board notes that significant inconsistencies remain between Mr. Jiminez's versions of the offense given to parole staff prior to each of his parole hearings, and to the Board at his hearings, as well as witness accounts on the evening of the murder, and forensic evidence presented at trial. At his recent hearing, Mr. Jiminez's attorney addressed the inconsistencies between Mr. Jiminez's current acceptance of responsibility for Officer Johnson's murder in the Parole Board proceedings, and the position he has maintained throughout his court pleadings, arguing it was a strategy for purposes of his court proceedings.

Mr. Jiminez's offense constitutes an extremely violent and brazen act that was an escalation of the pattern of violent behavior he exhibited since shortly after arriving in Massachusetts in the late 1970's.

For all of the above reasons, the Board votes to deny parole and will review the case in 5 years. We do not believe that if released, Mr. Jiminez would live and remain at liberty without violating the law, and thus his release is not compatible with the welfare of society.

Board Member 1: PFV [Per Final Vote]

Board Member 2: Concur.

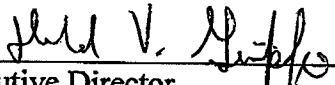
Board Member 3: Concur.

Board Member 4: Concur w[ith]/final vote.

Board Member 5: Concur.

Board Member 6: Concur.

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


Executive Director

4/29/09
Date