



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

HERIBERTO HERNANDEZ

W64557

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: January 11, 2011
DATE OF DECISION: April 17, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Denied with a review in 5 years. The decision is unanimous.

I. STATEMENT OF THE CASE

Juan Cruz Santiago was murdered on January 30, 1994. Heriberto Hernandez participated with fellow members of the Latin Kings in a planned and deliberate execution of Mr. Santiago. Mr. Hernandez and two co-defendants secured pleas to second-degree murder by testifying against Angel Rivera, the leader of the Latin Kings who ordered the murder. Rivera was convicted of first-degree murder.

Mr. Hernandez was age 16 and enrolled at the Westover Job Corps program in Chicopee, Massachusetts at the time of these events. Angel Rivera, the leader of the Latin Kings in Job Corps, orchestrated a sequence of evil and violent events in which Juan Santiago, the eventual murder victim, began as a possible perpetrator of murder. As the gang leader, Rivera ordered Juan Santiago to kill a female staff person at Jobs Corps who had angered the Latin Kings. At the time of the planned murder, Juan Santiago was overcome by conscience and did not carry out the mission. As one of the

co-defendants stated in his trial testimony, Juan Santiago "didn't have a violent bone in his body."

Gang leader Rivera, angered by the failure to kill, ordered Mr. Hernandez and two other Latin Kings to murder Juan Santiago. The three gang members lured Juan Santiago to a remote location by stating the four of them would go together to kill the female Job Corps staff member. The three set upon Juan Santiago, kicked and punched him, held him down, wrapped a belt around his neck, and choked him until he appeared dead with blood coming from his mouth. Mr. Lozada described at trial that "me and [Heriberto Hernandez] were pulling on both ends of the belt [while] Jose was holding [the victim] down." Mr. Lozada further described that as the victim "started giving up his struggle, Jose started jumping up and down on his chest." Mr. Lozada spit in the victim's face and said to the victim that he was never meant to be a Latin King because he was a homosexual (the trial witnesses were not asked to provide the exact words Mr. Lozada used to insult the victim). As Mr. Hernandez and his co-defendants hid the body, they noticed that the victim was still "gurgling and gasping for air," so they threw the unconscious Juan Santiago into the freezing waters of the Connecticut River.

Mr. Hernandez was expelled from the Jobs Corps for other reasons and moved to Hartford, Connecticut to live with his mother. Juan Santiago's body was not found until April 5, 1994, over two months after the murder. The murder was not solved for two years; warrants issued for the defendants in March 1996 and Mr. Hernandez was apprehended in Connecticut on March 27, 1996. Mr. Hernandez gave a statement to police admitting his involvement and describing the gang-related events that resulted in the murder of Juan Santiago.

II. PAROLE HEARING ON JANUARY 11, 2011

At the hearing, Mr. Hernandez admitted that he was not a good inmate. He has nine disciplinary reports since 2006. He said that "I am just starting my journey; I don't have much programs under my belt; I need more education." He also admitted that he was a member of the Latin Kings at the time of the crime, and that the crime "was a mission." He described himself as a "soldier" in the gang, which seems a contradiction with the clear trial testimony that Mr. Hernandez had a leadership role as "the enforcer." Mr. Hernandez stated that he was kicked out of the Jobs Corps, returned to Hartford, and "smoked pot and sold drugs" before he was arrested. He stated that he testified against co-defendant Angel Rivera in exchange for a plea to a reduced charge of second-degree murder.

There were no supporters or opponents in attendance. It appears that the District Attorney does not oppose parole due to a commitment made at the time of plea in exchange for Mr. Hernandez's cooperation.

III. DECISION

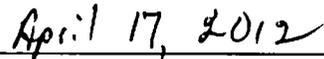
Mr. Hernandez describes himself as "just starting my journey." The Board interprets this statement as a reference to rehabilitation. Mr. Hernandez's length of

incarceration, 15 years, is insufficient to achieve the goals of sentencing. He is not rehabilitated, as evidenced by his disciplinary record which includes multiple incidents in recent years. At this point, he is likely to re-offend if released; and his release, prior to rehabilitation, would be incompatible with the welfare of society. Accordingly, parole is denied with a review in five years.

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



Josh Wall, Chairman



Date