

October 28, 2005

Maureen Walsh, Chairwoman
Massachusetts Parole Board
45 Hospital Road
P.O. Box 647
Medfield, MA 02052

RE: Dominic Cinelli (DOB 12/6/53)
Initial Parole Eligibility Hearing: 11/2/05 @ 2:00p.m.

Dear Chairwoman Walsh:

I am writing in response to your request for an official statement of the facts regarding Mr. Dominic Cinelli's conviction. This office opposes the parole of Mr. Cinelli. Mr. Cinelli will appear before the board on an aggregate sentence eligibility of his life sentence for armed robbery, and a 13-20 year from and after sentence for armed robbery. Mr. Cinelli has a complex history that includes 22 active sentences for crimes he committed, in various counties, between March 18, 1976 and June 2, 1986.

Mr. Cinelli was originally sentenced for armed robbery on March 18, 1976 in Suffolk Superior Court to nine concurrent terms of 15-20 years. He received four additional concurrent terms of 2.5-5 years for assault by means of a dangerous weapon. These sentences have been served.

Again in Suffolk Superior Court, on May 22, 1986, Mr. Cinelli received concurrent sentences of 20-40 years for armed robbery (4 counts) and two 20-25 year terms for the same offense. Mr. Cinelli also received consecutive sentences of 13-20 years for armed robbery, 5-7 years for possession of a firearm, and 9-10 years for escape. The sentences referenced on this date create his aggregate parole eligibility date of August 18, 2005. Initially Mr. Cinelli's aggregate eligibility date was 2008, however, after challenging this aggregation of his sentences, the Appeals Court ruled in Mr. Cinelli's favor and established the 2005 eligibility date.

In addition to the aforementioned sentences, on December 23, 1986 again in Suffolk Superior Court, Mr. Cinelli was sentenced to a concurrent second degree life sentence for another charge of armed robbery. In a different case in the Middlesex

Superior Court on January 7, 1987, Mr. Cinelli received two additional concurrent life sentences for armed robbery and habitual criminal charges. In Middlesex Superior Court, Mr. Cinelli was given concurrent terms of 4-5 years for assault with a dangerous weapon (2 counts) and possession of a firearm. On January 13, 1995, Mr. Cinelli was sentenced in Worcester District Court to 2 years concurrent for escape and assault and battery on a public servant.

Statement of Facts

There does not appear to be an official version included in the parole packet pertaining to the offenses that occurred in Middlesex County. Upon researching the available documents in the case file from archives, the following can be ascertained regarding the offense which Mr. Cinelli was convicted.

The victims of Mr. Cinelli's Middlesex County crimes were [REDACTED] and [REDACTED]. Both Ms. [REDACTED] and Ms. [REDACTED] were employees at Gerald's Fine Jewelry in Medford, MA. On June 2, 1986, at approximately 10:30 a.m., Mr. Cinelli entered the jewelry store and asked to view some pieces of jewelry from the case. During this interaction, Mr. Cinelli robbed the store, threatened both women with a gun, and demanded that all the jewelry cases be opened and emptied, as well as the safe, which held customer jewelry repairs and cash.

Mr. Cinelli was arrested by Boston Police Detectives sometime in the afternoon on the same day of the robbery at Gerald's Fine Jewelry store. Ms. [REDACTED] and Ms. [REDACTED] were contacted by the Medford Police later in the day on June 2, 1986 and were asked to view a photo array, as well as photos of jewelry and clothing that were found in Mr. Cinelli's possession and/or on his person at the time of his arrest. Both Ms. [REDACTED] and Ms. [REDACTED] identified Mr. Cinelli as their assailant and they also identified the jewelry found with Mr. Cinelli as the stolen jewelry that either belonged to the store or to customers.

Incarceration History

Mr. Cinelli's incarceration history includes over fifty disciplinary reports and two escapes. According to the Department of Correction, during his first stretch of incarceration from 1976 to 1985, Mr. Cinelli incurred approximately forty disciplinary reports and was returned to higher security one time. During 1985, with improving behavior, Mr. Cinelli was granted the privilege of furloughs. Mr. Cinelli successfully completed four furloughs, however he failed to return to the facility during his fifth furlough, remaining on escape status for two months. Mr. Cinelli was convicted ten months later for numerous additional armed robberies that he committed during the first escape. After this conviction, Mr. Cinelli escaped again. Eleven days after his second escape, Mr. Cinelli was returned to custody with additional criminal charges pending.

After serving 4 ½ years in Rhode Island following his return from his second escape, Mr. Cinelli has incurred another eight disciplinary reports and two returns to

higher custody. In April of 1999, Mr. Cinelli received a major disciplinary report and was again returned to higher custody.

Mr. Cinelli's disciplinary reports span virtually the entire length of his 30 year incarceration. They include fighting with other inmates, unauthorized possession and use of controlled substances, threatening and assaulting corrections officers, possession of drug paraphernalia, and general insubordination and disorderly conduct.

It should also be noted that Mr. Cinelli's program participation within the first 20 years of incarceration was deemed "extremely limited." While in more recent years, Mr. Cinelli has completed his GED certificate, taken various vocational courses and attended meetings sporadically, it is apparent that Mr. Cinelli has not utilized his incarcerated time in the best way possible. Also, it appears that Mr. Cinelli was using drugs throughout the majority of his incarceration, with only the past five years being free of disciplinary reports regarding drugs. Mr. Cinelli has participated in the Rational Recovery program, however it is unclear as to whether or not Mr. Cinelli has truly recovered from his addictions as he stated in his parole packet.

During his October 19, 2005 interview, Mr. Cinelli stated that he had been addicted to drugs since approximately his junior year of high school. After being sentenced to 9 months for assault with a dangerous weapon at age 16, Mr. Cinelli said he was able to get work and a handle on his drug problem for approximately 2 years after his release. However, Mr. Cinelli notes that when he would get laid off or lose employment, he "looked for quick cash by selling drugs." Soon thereafter, Mr. Cinelli began using drugs heavily again and thus began committing robberies every few days for money. Mr. Cinelli admitted to targeting small businesses typically, in addition to occasionally robbing strangers on the street.

Due to Mr. Cinelli's history of drug addiction and use, his chosen means for making money through armed robberies to support this addiction, and the uncertainty that he has overcome his addictions and is fully prepared for the difficulties of life outside of prison walls, this office opposes the parole of Mr. Cinelli. Mr. Cinelli has not utilized his time in prison well, spending nearly 25 of those years using drugs, being violent towards other, disrespecting authority, and participating minimally in programming. While Mr. Cinelli appears to have taken positive steps in the past five years towards self-improvement and growth, it is unclear whether this absolutely necessary progression would continue should he be released from incarceration.

If you need any further information, please do not hesitate to contact me.

Sincerely,

Lynn C. Rooney
Deputy First Assistant
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