

Faces behind the Figures

Are we safer because they're behind bars?



Reynaldo Rodriguez, No. 149675

Crime: Second-degree murder

Sentence: Parolable life

Parole eligible since 1986

Despite an exceptional prison record and the sentencing judge's support for release at 10 years, the board has consistently refused to parole Rodriguez based solely on the facts of the offense.

Reynaldo Rodriguez was a 20-year-old husband and father when, as the presentence investigator put it, he “inadvertently became caught up in a vendetta situation.” The fifth of six children in a close-knit Saginaw family, Rodriguez had no criminal convictions and no substance abuse problem. At the time he killed Robert Cuellar, he was employed as a service representative for Pitney Bowes.

The Cuellar family had ongoing disputes with both the Rodriguez and Barrera families. At an Easter dance in 1976, Robert Cuellar threatened harm to Rodriguez’s younger brother Cruz. In June, someone shot at Cruz. The brothers believed it was Cuellar. Several days later shots were fired at Rodriguez’s home. Someone also shot at his mother’s house. The Barreras believed that Robert Cuellar had killed an older member of their family.

The presentence report contains Rodriguez’s detailed description of what happened in July. Rodriguez, Cruz, Raymond Barrera and Barrera’s brother-in-law were playing baseball. Rodriguez’s sister came to tell him that Cuellar had just threatened him and Cruz, stating he was going to finish what he started. The four men decided to drive around and look for Cuellar. When they saw him riding a bicycle, Rodriguez stopped the car and challenged Cuellar to a fist fight. Barrera placed a gun on the car’s console. When Cuellar made a sudden move towards his waistband, Rodriguez thought Cuellar was reaching for a gun. He took the gun from the console and shot at Cuellar several times. When Cuellar continued to pedal, Rodriguez shot several times more until Cuellar fell off the bike. Someone in the vehicle said: “You better make sure he’s dead.” Rodriguez left the car and shot Cuellar a seventh time at close range.

Rodriguez pled guilty to second-degree murder. His defense attorney has explained in an affidavit that Judge Gary McDonald offered Rodriguez a choice between 15-30 years or parolable life. At the time, the earliest that parole could occur on a 15 year minimum was 12 1/3 years. Since Judge McDonald said that he would recommend parole at ten years on the life sentence if Rodriguez were a model prisoner, Rodriguez opted for the life term. Under today’s sentencing guidelines, the recommended minimum would be between 12 and 20 years.



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At sentencing, Judge McDonald spoke about the letters of support for Rodriguez he had received, the absence of a prior record and the harm caused by feuds and vendettas. McDonald concluded:

And I feel myself, at this time, that you will not be any menace to society when you're released in ten years.

Rodriguez lived up to the judge's expectations. He completed his GED, took college classes and completed a course in auto mechanics. He received only seven misconduct citations in 27 years. He also completed two years of group psychotherapy. In his 1984 termination report, the psychologist described Rodriguez as displaying excellent sensitivity to other people's feelings, having excellent skills in negotiating conflicts constructively and having a good prognosis for parole.

Above all, Rodriguez worked hard, sending home the money he made to help support his son. Among other jobs, he spent more than 13 years working for prison industries, primarily as a head mechanic responsible for maintaining machinery in the garment factory. His reference letters from three different factory superintendents are filled with praise for his knowledge, skills, dependability and ability to work cooperatively with both prisoners and staff. One letter, written in 1984, concluded:

I very seriously doubt that he will ever get into trouble again, and expect him to become a law-abiding citizen upon his release.

Rodriguez first became eligible for parole in 1986. True to his word, Judge McDonald wrote several letters affirming his support for Rodriguez's release. However, the board showed no interest until May 1992, when the "old" board notified Rodriguez it would begin processing his case. In March 1993, the "new" board also voted unanimously to proceed.

The public hearing was held in January 1994. A dozen people attended on behalf of Rodriguez. Sixteen officers who had known him during the 10 years he served at Kinross Correctional Facility signed a petition supporting his release. No one opposed it.

The presiding board member cross-examined Rodriguez about whether the shooting had been an act of vengeance or self-defense. Rodriguez insisted he had thought Cuellar had a weapon but also agreed when the board member characterized vengeance as a motivation.

The board issued its decision two months later:

Following the public hearing of 01/10/94, the parole board has reviewed your case in executive session and has withdrawn interest for the following reasons: Nature of crime as described in public hearing causes further concern. During public hearing you admitted the fatal shot was act of vengeance. Victim was shot a total of 7 times, the last shot was reflected upon by you and was unnecessary. No interest at this time.

The board interviewed Rodriguez again in 1999 and reviewed his file in 2003. Each time it simply said "no interest." In 2008, after yet another interview, the board denied parole again. It concluded that Rodriguez could offer no good reason for shooting the victim repeatedly and stated that he needed "to be able to show better insight into his past rage and demonstrate remorse for his actions." His next consideration is scheduled for 2013, when Rodriguez will have served 37 years.



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