



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

KENNETH BARTLETT

W52822

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 22, 2012

DATE OF DECISION: June 5, 2012

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

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. INTRODUCTION

Mr. Bartlett appeared before the Massachusetts Parole Board on May 22, 2012 for a review hearing. After careful consideration of all relevant facts, including the nature of the underlying offense, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional department, and his level of engagement with rehabilitative programming while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time.

II. STATEMENT OF FACTS

The inmate stands convicted of two separate murders, both committed in the spring of 1988 while the inmate was on parole from convictions in New York for robbery and forcible theft while armed. In both instances, the inmate traveled from New York, where he resided at the time, to Boston, where the murders were committed. In each case, the murders were

connected with the inmate's participation in a large-scale drug sales operation based in New York City.

The victim in the first case, Clinton Moody, was found shot to death in the Roxbury section of Boston. His body was found in a trash dumpster with multiple gunshot wounds to the head. Little is known for certain about the precise circumstances of Mr. Moody's death. According to his own sparse version of the facts, the inmate had come to Boston on May 30, 1988 with approximately \$100,000 to purchase illegal drugs for his employer. During the transfer, a shoot-out erupted. In the exchange of fire, the inmate states that he shot Mr. Moody.

The second victim, Edward Jones, apparently died under very similar circumstances. On June 30, 1988, the inmate once again traveled to Boston from New York City to participate in a high volume drug transaction. As in the earlier incident, there was a shooting at the time of the transfer. Witnesses stated that the inmate, together with another man, chased Mr. Jones out of a building near Orchard Park in Roxbury. Both men shot at Mr. Jones as he fled. He was hit four times and died later that day from his wounds. As with his description of Mr. Moody's murder, the inmate was unable or unwilling to provide many specific details about the killing of Mr. Jones.

While incarcerated, the inmate's institutional adjustment has been poor. He has accrued numerous disciplinary reports for behavior including assaults on inmates and correctional officers and the possession and/or use of illegal drugs. He has multiple returns to higher security and has served lengthy terms in disciplinary detention for a wide variety of violations. He was confined in disciplinary detention as recently as March, 2011. His program involvement can only be described as limited due, in large part, to his frequent transfers and many placements in administrative detention. He has been identified as gang-involved by the Department of Correction. As compared to other life-sentence inmates who have appeared before the Board in recent years, the inmate's institutional history ranks among the very worst.

III. DECISION

Several considerations underlie our decision to deny parole in this case. First and foremost is the fact that the inmate committed two separate murders while on parole. Any inmate who so egregiously squanders a prior parole opportunity necessarily has a high – if not insurmountable – bar to clear in obtaining any further parole consideration. To the extent that it might be possible for this inmate to be granted another opportunity to live in the community, he would need to provide the strongest and most convincing evidence of his rehabilitation. Such evidence might take any forms but, at a minimum, he must demonstrate positive institutional adjustment, including excellent decorum and a strong dedication to rehabilitative programming. This, the inmate has manifestly failed to do. We also note that his demeanor at the hearing, as well as some of the answers that he provided, suggest that he has not yet gained clear insight into the underlying causes of his criminal conduct. Along these lines, he showed little insight into the specific triggers for either his propensity toward extreme violence or his apparently ongoing substance abuse. Many board members also formed the opinion that the inmate lacked any genuine remorse for the two lives he took.

The standard we apply in assessing candidates for parole is set out in 120 CMR 300.04, which provides that “[p]arole 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, we find the inmate is by no

means deserving of parole at this time. He may not apply for further review until at least five years from the date of his last hearing. In the meantime, he should focus on maintaining a clean disciplinary record, take advantage of any appropriate program opportunities, particularly those focused on anger management and violence reduction, and reflect on the consequences of his actions, both for the families of the victims and the community in which these crimes occurred.

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


Caitlin E. Casey, Chief of Staff


Date