



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMIE ROSA

W36334

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: June 4, 2013

DATE OF DECISION: July 10, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 16, 1977, in Suffolk Superior Court, Jamie Rosa pleaded guilty to second degree murder and was sentenced to life imprisonment. The victim of this offense was Ralph Heaney, age 28. In addition, on December 19, 1977, in Norfolk Superior Court, Rosa was found guilty of assault with intent to rob, armed robbery, and assault with intent to murder and received a 5 to 7 year sentence for each charge.¹ Those sentences are concurrent with each other, but from and after the life sentence. Rosa received these sentences for his role in the violent robberies committed that same evening in Brookline following the murder of Heaney. Rosa's co-defendants, Johnny Colon and Jose Colon received sentences of 20 years for their

¹ All other sentences have expired. Rosa is only serving the life sentence.

roles in the killing. Rolando "Chino" Pagan, a juvenile at the time, has no record of incarceration. Mr. Rosa does not have any appeals in this case.

On March 31, 1977, at approximately 9:30 p.m., Rosa, then age 18, and his co-defendants, Johnny Colon, Tony Colon (no relation), and Chino Pagan, were sitting in Rosa's car on Parker Street drinking beer. Chino Pagan stated they decided to go to the Fenway and "rob the fags." When they arrived at the Fenway, Johnny Colon remained in the car. Rosa and the other two entered the Fenway by the Victory Gardens and chose Heaney as their victim. Rosa held a knife to Heaney's throat and demanded money.

Heaney fell to his knees, said "I only have a dollar," and pleaded with his attackers not to kill him. Tony Colon took the dollar from Heaney and passed it to Rosa. Incredulous, Rosa asked, "This is all you have?", and gave the dollar back to Heaney. Tony Colon then took Heaney's eye glasses and threw them into the bushes. Rosa and Tony Colon left Heaney while they searched for another victim.

Shortly thereafter, Rosa and Tony Colon returned to where Heaney was still looking for his glasses. Rosa went up to Heaney and stabbed him in the chest deep enough to pierce his heart, liver, stomach, and left kidney. Heaney fell to the ground and they fled in Rosa's car.

Johnny Colon dropped off Pagan, who was a juvenile at the time of the incident, because he had to be home by 11:00 p.m. Johnny Colon, Tony Colon and Jamie Rosa then drove to Brookline and committed additional violent robberies. Rosa and Colon stabbed and robbed an elderly man on Harvard Avenue in Brookline, which was witnessed by a man who they chased away while brandishing the knife. The victim of that robbery and stabbing was treated for a stab wound to his left elbow.

After receiving reports of the Harvard Avenue robbery, Brookline police located and stopped Rosa's car. One officer asked Rosa, who was a passenger, to step out of the vehicle. As Rosa was exiting the car, the Officer observed a knife with a brown handle on the floor of the passengers' side of the car and blood stains on the front part of Rosa's pants. The Harvard Avenue witness came to the scene of the stop and identified Rosa as one of the assailants he chased from the scene. Rosa was placed under arrest.

As this arrest was taking place, two other victims reported similar attacks to the Brookline Police. Both victims were on Park Street when Rosa attacked them, one of whom suffered a stab wound. Both of these victims identified Rosa as one of their assailants when they were brought to the Police Station.

II. CRIMINAL, INSTITUTIONAL & PAROLE HISTORY

Prior to murdering Heaney and committing his violent robberies, Rosa had no juvenile criminal history. Rosa's adult criminal history commenced in 1976 with an arraignment on a possession of a firearm charge, following two default warrants, this case was continued without a finding and the defaults removed.

Rosa has received a total of four disciplinary reports during his incarceration, with the last occurring in 1993. In March 1986, Rosa received a disciplinary report for selling marijuana and valium and was returned to higher custody. Rosa received his GED in 1988.

In April 1992, Rosa appeared before the Board for his initial parole hearing and in April 1992 was paroled from his life sentence to his consecutive sentences. On June 10, 1994, Rosa appeared before the Board for release consideration on the consecutive sentences and was paroled to the community in October 1994.

Rosa remained in the community for several years, during which time his consecutive sentences expired. On November 22, 2002, however, Rosa was returned on a parole violation warrant after being charged with physically assaulting his wife. Rosa was arraigned in Fitchburg District Court on charges of assault and battery, intimidation of a witness, and assault and battery by means of a dangerous weapon (car keys). A restraining order was issued. Rosa was found not guilty of these charges by a jury. On April 13, 2004, the Board voted to re-parole Rosa in June 2004, and set specific conditions that included liquor abstinence and counseling.

In July 2007, Rosa was given a final warning due to his admission of alcohol use on several occasions, and his association with a woman with a criminal record, which is a violation of a general parole condition. Rather than return him to custody, the Board added the conditions that Rosa re-engage in counseling and was placed on GPS monitoring.

On September 25, 2007, the Fitchburg District Court issued a restraining order, initiated by his wife Maria, following alleged threats. Rosa was reported to have followed his wife to work and that she was in fear of him. Two days later, Rosa was returned on a parole detainer for failure to inform his parole officer of a change in his home status. Specifically, as of September 25, 2007, Rosa had been estranged from his wife for several months, yet he misled his parole officer regarding his living and marital status. On October 11, 2007, the Board revoked his parole. On March 25, 2008, Rosa appeared before the Board for a review hearing, and was denied parole with a five year set back.

III. INSTITUTIONAL HISTORY SINCE 2007

Since his return to custody in 2007, Rosa has engaged in some rehabilitative programming. In 2010, he completed the Correctional Recovery Academy. In 2012, Rosa completed two phases of Alternatives to Violence, and in 2013, he completed a third phase. Rosa currently works as a clerk and attends AA twice a month. He works out by running five to six miles a day and attends chapel daily. He has not received a disciplinary report during the return.

IV. PAROLE HEARING ON JUNE 4, 2013

Jamie Rosa murdered Ralph Heaney in 1977 and was released on parole in October 1994 on his life sentence (and consecutive sentences that have expired). He had two domestic incidents on parole. He was re-paroled in 2004 after the first incident. He has been incarcerated, however, since the second incident in 2007. The Board denied re-parole in 2008

with a five year review, which resulted in this parole hearing. Attorney Mark Goldstein represented Rosa.

While on parole, Rosa owned a house with his wife in Fitchburg, worked consistently, and attended AA. After a violation in 2007, the Board required counseling and GPS as part of a final warning.

Rosa recalled that his parole was violated in 2007 because "I was not open with my parole officer, I used alcohol, and I was creating problems for my family by going outside my marriage." A Board Member reminded Rosa that his parole officer told him to stop the extramarital affair and Rosa had already received a final warning for that risky behavior. Rosa admitted that he continued deceiving his family and his parole officer even after the final warning. Rosa said, "I lied to my parole officer about my wife and my girlfriend; I was scared because I had been warned about one more infraction."

The 2004 violation involved domestic violence. Rosa said, "my wife came into the bedroom and said something; I wasn't feeling well that afternoon; I came out swinging; I have no idea why; she said I hit her several times; my wife was going to testify for me and it was a not guilty; I got another parole but Parole sent me to 12 weeks of anger management and counseling." Rosa admitted that he was drinking on parole. He said, "the drinking started about five years after I got out; mostly beer and some shots; there was no alcohol the night I hit my wife in 2004; when I came out on parole after that I started drinking after about 18 to 24 months into the parole; I drank a couple of times a week; beer and some shots; there were no drugs."

In discussing the 2008 incident that resulted in a restraining order against him, Rosa said, "I was in a relationship with a girlfriend for three months; she was drinking; she was using drugs too but I didn't know until my parole officer told me; one night my wife accused me of seeing someone and all hell broke loose; she stormed out and I didn't hear from her for four weeks until I went to her work; I was in the parking lot at Marshall's; I understand that she was in fear when I showed up."

Since his return, Rosa has been a productive inmate. He attends AA biweekly, completed several rehabilitative programs, and works as a clerk for the chaplain. He has held that job for five years. Board members asked Rosa about his rehabilitative programs. He discussed Alternatives to Violence and the Correctional Recovery Academy. "ATV helped me understand what I did with my wife; I chose the easy way out by cheating and then tried to lie my way out of it; I learned I can't do that. CRA had five parts. Both programs gave me more insight into my actions.

In describing the murder, Rosa recalled that "there was a birthday party and we were drinking and smoking weed; I was living the street life then; we ended up in the Fenway; I was in the bushes to relieve myself; Rolando and Jose jumped the victim; I came out of the bushes; I had a knife and I pulled it out; I had been carrying it for a couple of months; I used it to scare the victim; the victim didn't have anything so we let him go; we came back and the victim came at me from the side; the victim ran and we chased him; I stabbed him." In describing the robberies that followed the murder, Rosa attributed most of the criminal activity to his co-

defendants. He did admit that he swung at the first robbery victim. For the second robbery, he said, "I believe I hit the woman."

Board Members pointed out that Rosa's description of the crime minimized his role, including that Rosa threatened the victim with the knife in a terrifying manner, that he inflicted a deep stab wound to the heart, and inflicted incised wounds. Rosa said, "I was afraid; I was scared." A Board Member pointed out the unlikelihood that Rosa, who was armed and with three aggressive friends, was in any way scared of the victim, who was alone and unarmed. The Board Member noted that perhaps similar statements caused the previous Board to conclude in 2008 that Rosa portrayed himself as a victim. Board Members told Rosa that he had a pattern of holding back information during parole hearings "that you don't want us to know."

Board Member Archilla pointed several ways in which Rosa had withheld important information. "You people threw the victim's glasses in the weeds; you claimed in your parole interview that the others jumped him as though you weren't part of it; you stabbed two people in Brookline after the murder and you tell the story as if you were a good Samaritan in Brookline." About the two people stabbed in Brookline, Rosa responded, "Yes, I did; I forgot about that; I don't have the paperwork." Dr. Bonner advised Rosa that "at some point in the hearing you should explain why you have trouble being candid and providing accurate info."

Four people spoke in support of parole, including two ministers who have had contact with Rosa and two friends. The supporters established that Rosa would have support from his church community.

V. DECISION

Jamie Rosa terrorized and murdered an innocent man who appears to have been targeted as part of a hate crime. After the murder in the Fenway, Rosa and his friends went to Brookline and committed a series of robberies. Rosa stabbed two people in Brookline. Rosa received parole but repeatedly punched his wife during a domestic violence incident in 2002. His most recent violation, in 2007, involved drinking alcohol regularly, ignoring his parole officer's directives about an extramarital affair with a woman who was using drugs, and lying to his parole officer. Much of Rosa's parole period, however, involved stable employment and good conduct. Since his re-incarceration, he has resumed good behavior in the institution. Unfortunately, Rosa made a poor presentation at the hearing because he reverted to his habits of minimizing his conduct, misrepresenting facts, and failing to disclose information. These habits establish that he is not sufficiently rehabilitated.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "Parole 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, it is the unanimous opinion of the Board that Mr. Rosa does [not] merit parole. The period of review will be three years from the date of the hearing, during which time Mr. Rosa should consider why he continues with a negative pattern of avoiding responsibility by misrepresenting information.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.

Caitlin Casey
Caitlin E. Casey, Chief of Staff

7/10/14
Date