

*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

IN THE MATTER OF

CHARLES JAYNES

W65722

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **June 30, 2020**

DATE OF DECISION: **October 21, 2021**

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

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

I.STATEMENT OF THE CASE

On December 11, 1998, after a jury trial in Middlesex Superior Court, Charles Jaynes was found guilty of the second-degree murder of 10-year-old Jeffrey Curley. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Jaynes was found guilty of kidnapping and received a 9-10-year consecutive sentence.

During the summer and fall of 1997, Charles Jaynes, a Brockton native, along with Salvatore Sicari, befriended 10-year-old Jeffrey Curley, a child they saw often in parks and on sidewalks of his East Cambridge neighborhood. During the fall of 1997, Mr. Jaynes, on several occasions, took Jeffrey Curley for rides in his Cadillac. Jeffrey Curley's parents had not granted permission, nor were they aware that Mr. Jaynes drove their son to places in his car. As Mr. Jaynes was sexually attracted to young boys, his goal in gaining Jeffrey Curley's confidence was to engage in sexual acts with him. Mr. Jaynes told a friend that if the child refused, Mr. Sicari

"would take care of him." To achieve this end, Mr. Jaynes purchased a bicycle for Jeffrey Curley to replace one that had recently been stolen.

On October 1, 1997, Mr. Jaynes and Mr. Sicari picked up Jeffrey Curley (in Mr. Jaynes' car), as he was walking his dog near Mr. Sicari's house, shortly after 3:15 p.m. At 3:37 p.m., gasoline was purchased using Mr. Jaynes' father's credit card at a gas station in Newton. Jeffrey Curley was then smothered to death with a gasoline-soaked rag that was held up to his nose and mouth. At 4:46 p.m., at a hardware store in Newton, Mr. Jaynes purchased duct tape. An employee at the hardware store testified that Mr. Jaynes appeared nervous and smelled of gasoline when he purchased the duct tape and tarp. Between 5:00 and 5:30 p.m., Mr. Jaynes went to work at a car dealership in Newton, accompanied by Mr. Sicari. Mr. Jaynes left work at 8:30 p.m. and, accompanied by Mr. Sicari, purchased a large Rubbermaid container from a store in Watertown. At approximately 10:20 p.m., the two men purchased a bag of lime and a bag of concrete from a store in Somerville. The men then traveled to an apartment in New Hampshire, where they spent the night. On the morning of October 2, Mr. Jaynes' Cadillac was seen parked at the Great Works River Bridge in South Berwick, Maine.

On October 7, 1997, Jeffrey Curley's naked body was discovered in the river in a large plastic container sealed with duct tape. Redness and swelling on his face and upper body indicated that a gasoline-soaked rag had been held over his nose and mouth, quickly suffocating him. Concrete was found on various places of his body.

II. PAROLE HEARING ON JUNE 30, 2020

Mr. Jaynes, now 44-years-old, appeared before the Parole Board on June 30, 2020, for an initial hearing and was not represented by counsel. He had postponed his initial hearing in 2015. Mr. Jaynes began the hearing by informing the Board that he was not seeking parole at this time. Rather, his appearance at this hearing was to take responsibility for the kidnapping and murder of Jeffrey Curley before the victim's family and the citizens of the Commonwealth. He first publicly admitted his guilt approximately five years ago, while participating in a religious group. Mr. Jaynes stated that he has since spoken with the Deacon and his mental health clinician as to his culpability in the murder. Until that point, along with a trial and multiple appeals, he adamantly maintained his innocence. Mr. Jaynes spoke of a childhood where, at age 11, his father struck his mother with a handgun almost killing her. At that point, he indicated he began to feel betrayed by society. He described himself as a wanderer after being expelled from high school for threatening a teacher. Mr. Jaynes explained that he eventually resorted to larceny by check to support himself and had amassed 70 warrants. He shut himself off to family and friends, and his drinking escalated. After surgery in 1996, Mr. Jaynes became addicted to prescription pills.

Mr. Jaynes provided the Board with an overview of the offense that is relatively consistent with the facts of the Commonwealth. He spoke at great length as to how he groomed Jeffrey Curley in the months leading up to the governing offense. He met his co-defendant, Salvatore Sicari, in April 1997, and developed an intimate relationship that included secrets and lies. Mr. Jaynes said that it was well known in their circle of friends that he was attracted to young boys. Mr. Sicari's brother introduced Mr. Jaynes to Jeffrey Curley in the spring of 1997. Mr. Jaynes informed the Board that he thought the victim was too young, as he was attracted to pubescent not pre-pubescent boys. Mr. Jaynes stated, "If the plumbing

doesn't work, he's not interested." He planned to groom Jeffrey over the course of the next three to four years, in anticipation that he would be more receptive to sexual advances/relations. Mr. Jaynes learned that Jeffrey Curley needed a bike, so they visited several bike shops in the area. Mr. Sicari's brother had inferred that Jeffrey Curley would trade sexual favors in exchange for a bike.

Mr. Jaynes explained that, over the next few months, he and Jeffrey Curley hung out and frequented McDonald's, the IMAX theater at the Museum of Science, and his place of employment. Although others questioned their relationship, describing it as strange or unnatural, Mr. Jaynes believed that his behavior was normal and did not care what society thought. Upon questioning, Mr. Jaynes denied sexually assaulting the victim in his apartment in New Hampshire before disposing of the body. However, Mr. Jaynes admitted to sexually assaulting the victim's body after the body was placed in the trunk of the car. Although he first realized that he was attracted to pubescent boys at age of 18 or 19, Mr. Jaynes denied grooming any other children, other than the victim. Mr. Jaynes acknowledged that he had an infatuation with murder, but claimed he was not looking for notoriety or fame. He stated that his motive to kill Jeffrey Curley was to impress Mr. Sicari. Mr. Jaynes informed the Board that he purposely saved the victim's football jersey to remember him by.

In discussing his institutional adjustment, the Board noted that Mr. Jaynes has incurred more than 40 disciplinary reports during his incarceration, most notably for new tattoos, security threat group paraphernalia (swastika), and fighting. When the Board pressed him as to his true intentions (in 2012) in petitioning the court to have his name legally changed, Mr. Jaynes stated that it was for religious purposes only; at that point, he was a practicing Wiccan and had yet to identify as a Christian. The Board also expressed concern regarding the alleged sexual overtones exhibited by Mr. Jaynes in his relationships with teenage/youthful offenders in the institution. Mr. Jaynes stated that he would pay their drug debts in exchange for sexually explicit notes. He denied benefitting from this quid pro quo behavior, but nonetheless admitted to a pattern of manipulation in order to get his needs met.

The Board acknowledged Mr. Jaynes' programming efforts, including Cognitive Skills, Violence Reduction, Correctional Recovery Academy, Restorative Justice Reading Group, and Alternatives to Violence. However, the Board questioned the impact of these programs since he only admitted to the crime approximately five years ago. Mr. Jaynes has been actively addressing his mental health needs since 2009. Additionally, the Board questioned his refusal to engage in the Sexual Offender Treatment Program (SOTP). Mr. Jaynes explained that he was not ready at the time, but that he now plans to participate in the SOTP at the Massachusetts Treatment Center. Board Members explained that they cannot come close to assessing Mr. Jaynes' rehabilitative progress without an honest effort to address his sexually deviant behavior. The Board further expressed its concern that Mr. Jaynes has not adequately addressed the precipitants to the murder of a young innocent boy.

The Board considered oral testimony in opposition to parole from victim's uncle, father, brother, and mother. Middlesex County Assistant District Attorney Adrienne Lynch also provided testimony as well as a letter in opposition to parole.

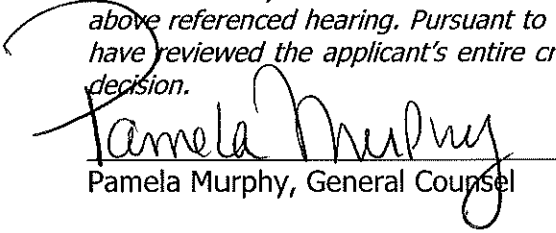
III. DECISION

The Board is of the opinion that Charles Jaynes has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Charles Jaynes and his co-defendant Salvatore Sicari smothered 10-year-old Jeffrey Curley with a gasoline-soaked rag on October 1, 1997. Six days later, his naked body was discovered in a river in Maine inside a large container sealed with duct tape. Mr. Jaynes has had an extremely poor adjustment with the Department of Correction. In addition, there is no evidence of rehabilitation or a commitment to address his sexually deviant behavior. Although Mr. Jaynes informed the Board that he was not looking for parole, and he conceded he is not ready and doubts he will ever be, the Board is of the opinion that his assertions were disingenuous and self-serving. At times he appeared to be grandstanding, which appeared to be an attempt to further victimize the family.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Jaynes' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Jaynes' risk of recidivism. After applying this standard to the circumstances of Mr. Jaynes' case, the Board is of the opinion that Charles Jaynes is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Jaynes' next appearance before the Board will take place in five years from the date of this hearing.

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.


Pamela Murphy, General Counsel

10/21/2021
Date