



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF
CHARLES JENKINS

W46844

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 22, 2016

DATE OF DECISION: June 12, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 four years from the date of the hearing.

I. STATEMENT OF THE CASE

On July 27, 1989, in Suffolk Superior Court, a jury convicted Charles Jenkins of the second degree murder of 23-year-old Anthony Riccardo Graves. Mr. Jenkins was sentenced to life in prison with the possibility of parole.

On the night of June 6, 1988, five girls were walking along Blue Hill Avenue in the Mattapan section of Boston. The girls saw Anthony Riccardo Graves (an acquaintance) talking with a friend and greetings were exchanged. The girls continued walking along Blue Hill Avenue and came upon a large group of teenagers, one of whom threw a bottle at them. One of the girls went and told Mr. Graves what had happened. Mr. Graves, who was unarmed, walked up to the group. He asked them to turn off their radio and told them to stop throwing bottles at the girls. Charles Jenkins (then 18-years-old) took offense to Mr. Graves' remarks, believing them to be directed solely at him. Mr. Graves explained that he was speaking to the entire group. Nonetheless, an argument between Mr. Jenkins and Mr. Graves ensued. The

argument escalated and Mr. Jenkins then stabbed Mr. Graves. Mr. Graves was taken to Boston City Hospital, where he was pronounced dead.

After stabbing Mr. Graves, Mr. Jenkins was the only member of the crowd to flee the scene. Two of the girls identified Mr. Jenkins as the perpetrator. The following day, Mr. Jenkins took a bus to Florida. He was arrested on fugitive from justice charges in Florida on July 17, 1988, and was returned to Massachusetts to face the murder charge.

II. PAROLE HEARING ON NOVEMBER 22, 2016

After Mr. Jenkins' initial parole hearing in 2003, the Board voted to parole him after six months in pre-release. Parole was rescinded, however, due to a disciplinary report Mr. Jenkins received in pre-release. In 2006, Mr. Jenkins was paroled to a long-term residential program. In 2007, Mr. Jenkins was returned to custody for parole violations and parole was revoked. Mr. Jenkins was paroled in 2008, but his parole was revoked in 2009. In 2010, Mr. Jenkins was again paroled, but revoked in 2011. Mr. Jenkins was denied parole after a 2012 review hearing. Mr. Jenkins was then paroled after his review hearing in 2015. However, he was returned to custody in 2016 and his parole was revoked for violations including: failure to notify his parole officer of contact with police; lying to his parole officer; and possessing cell phone text messages relating to narcotics, violence, and domestic violence.

Mr. Jenkins, now 46-years-old, appeared before the Parole Board for a review hearing on November 22, 2016. Mr. Jenkins was represented by Attorney Russell Sobelman, who provided a lengthy opening statement on his behalf. Mr. Jenkins addressed his most recent experience on parole, where he was paroled to a sober house and participated in counseling. He indicated that the Parole Board had assisted him in getting a job, but (prior to starting the position) he was struck by a state police vehicle. According to Mr. Jenkins, he sustained injuries to his lower back and neck, which prevented him from being able to work full-time. After the commute to that job became too costly, he obtained employment in a retail store warehouse. Mr. Jenkins claimed that when his GPS went off several times, he would "sneak on the phone" and let GPS know about the situation (which he believed to be the reason for his termination). A Board Member pointed out, however, that the store fired Mr. Jenkins for leaving work early on multiple occasions. The Board also questioned Mr. Jenkins about his termination from a sober house, roughly four months after entering the program. Mr. Jenkins explained that the issue was over rent. A Board Member informed him that, in addition to \$1,000 in rent that was owed, there were issues where Mr. Jenkins brought women to the program.

Mr. Jenkins was also asked about his romantic relationship during his most recent time on parole. During questioning by the Board, Mr. Jenkins acknowledged that his parole officer learned of the relationship from someone other than himself, but claimed that he did not know he needed to make his parole officer aware of the relationship. Mr. Jenkins was also asked about an argument with his girlfriend that contributed to his most recent return to custody. He stated that the argument regarded suspicions of his girlfriend's infidelity with his nephew, and that he told her to leave. Shortly after, Mr. Jenkins noticed that someone was parked on the side of his house. Words were exchanged and Mr. Jenkins was subsequently struck by a vehicle. After being hit by the car, Mr. Jenkins went into the house to change his clothing. As he was changing, his niece called to him to let him know that the police wanted to speak with him. A Board Member noted the discrepancies between Mr. Jenkins' version of events and

accounts documented in the police reports. In addition, Mr. Jenkins was questioned as to why he did not inform his parole officer of his contact with police over this incident. The Board Member reminded Mr. Jenkins that he told both his parole officer and the hearing examiner that it had "slipped" his mind. In response, Mr. Jenkins stated, "...I probably said that...I'm not going to say no, I didn't say that."

The Board questioned Mr. Jenkins about multiple incidents pertaining to his use of cell phones. Mr. Jenkins was asked about an incident that occurred at the parole office involving him and his nephew. According to Mr. Jenkins, his cell phone broke and so he gave it to his nephew to put in his house. However, unbeknownst to Mr. Jenkins, his nephew took the phone to school. When the parole officer asked Mr. Jenkins to show him his phone, he told the officer that the phone was broken and at his house. When the parole officer pointed out to Mr. Jenkins that he had just seen him on a phone, he told the officer that it was his nephew's cell phone. Mr. Jenkins was also asked about text messages found on a cell phone that he had been using. Mr. Jenkins said that the phone belonged to his mother and was used by everyone in the household. When questioned about text messages found on the phone which pertained to drugs, Mr. Jenkins said that he had not been the person who sent those text messages. He was further questioned about text messages in which threatening or abusive language had been used. Mr. Jenkins stated that he and his nephew had been exchanging messages with language that was inappropriate.

Mr. Jenkins is presently employed in the kitchen of the institution where he is incarcerated. He also participates in counseling and works on designs for a t-shirt company that he owns. Mr. Jenkins told the Board that he is not currently enrolled (or on the waiting list) for any programs. Mr. Jenkins had multiple supporters in attendance at his hearing. Both Mr. Jenkins' former girlfriend and his mother spoke in support of parole.

A letter of opposition was submitted by Suffolk County Assistant District Attorney Charles Bartoloni.

III. DECISION

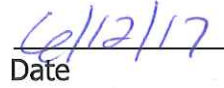
Charles Jenkins has squandered multiple opportunities on parole supervision. Further, he lacks credibility with the Board. Mr. Jenkins needs to work on his veracity and his criminal thinking.

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. Jenkins' 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. Jenkins' risk of recidivism. After applying this standard to the circumstances of Mr. Jenkins' case, the Board is of the unanimous opinion that Mr. Jenkins is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Jenkins next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Jenkins to continue working towards his full rehabilitation.

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.


Gloriann Moroney, General Counsel


Date