



Charles D. Baker  
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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
**PAROLE BOARD**

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Charlene Bonner  
Chairperson

**DECISION**

**IN THE MATTER OF**

**CHARLES JENKINS**

**W46844**

**TYPE OF HEARING:** **Revocation Review Hearing**

**DATE OF HEARING:** **May 5, 2015**

**DATE OF DECISION:** **June 17, 2015**

**PARTICIPATING BOARD MEMBERS:** Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, 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 a majority vote of 5 to 2 that the inmate is a suitable candidate for parole.<sup>1</sup> Parole is granted, with special conditions, to an approved long term residential treatment program or sober house on or after July 1, 2015.

**I. STATEMENT OF THE CASE**

On July 27, 1989, a Suffolk County Superior Court jury found Charles Jenkins guilty of second-degree murder and the Court sentenced him to serve life in prison. On direct appeal, the Appeals Court reversed the conviction and remanded the case to the Superior Court for a new trial. *Commonwealth v. Jenkins*, 34 Mass. App. Ct. 135 (1993). The Supreme Judicial Court allowed the Commonwealth's application for further appellate review, then reversed the Appeals Court's decision and affirmed the conviction. *Commonwealth v. Jenkins*, 416 Mass. 736 (1994). Jenkins filed another motion for post-conviction relief in 2009, which was denied. His subsequent appeals to the Appeals Court and Supreme Judicial Court were unsuccessful.

<sup>1</sup> Five Board members voted in favor of parole with special conditions. Two Board Members voted to deny parole with a two-year setback, believing that Jenkins has not adequately addressed his four prior parole failures and is not yet ready to be re-paroled.



On the night of June 6, 1988, in Dorchester, 18-year-old Charles Jenkins stabbed and killed 23-year-old Anthony Graves, after Mr. Graves had tried to come to the aid of five young girls. The girls had been walking along Blue Hill Avenue when a large group of teenagers threw a bottle at them. One of the girls demanded to know who had thrown the bottle and when no one responded, she reprimanded them. One of the other girls went and told Mr. Graves, an acquaintance standing nearby, what had happened. Mr. Graves, who was unarmed, walked up to the group, asked them to turn off their radio, and told them to stop throwing bottles at the girls. Jenkins took offense to Mr. Graves' remarks, believing them to be directed solely at him, and began arguing with Mr. Graves. Mr. Graves explained that he was speaking to the entire group, but Jenkins continued to take special offense. The argument escalated and then Jenkins stabbed and killed Mr. Graves. An autopsy revealed that Anthony Graves died of a lethal stab wound to the chest that penetrated the left ventricle of his heart.

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

Jenkins is not an open mental health case.

## **II. PAROLE HISTORY AND HEARING ON MAY 5, 2015**

Jenkins appeared before the Parole Board on May 5, 2015 for a second review hearing, following his return to custody in May 2011.

The Board first voted to parole Jenkins on August 20, 2003, opting to reserve after six months in pre-release. His parole was provisionally rescinded in December 2005 because he had received a disciplinary report in pre-release for falsifying a report of a staff assault. The Board affirmed this rescission in July 2006. Jenkins received a second positive parole vote on October 6, 2006 and was paroled to a long-term residential program. He completed the program in May of that year, but began to experience problems, such as forging AA attendance slips, missing AA meetings, failing to meet with his therapist, and failing to provide proof of employment. Jenkins received a final warning for this behavior on July 12, 2007. He was returned to custody on November 9, 2007 for lying to his parole officer and associating with a known felon. On January 28, 2008, the Board voted to revoke his parole.

Jenkins was re-paroled on November 17, 2008. However, he was taken into custody again seven months later, in June 2009, for operating a motor vehicle without a license, failing to notify his parole officer of the offense, and failing to participate in mental health counseling, as required. The Board voted to revoke his parole on September 29, 2009. Jenkins was paroled for the fourth time in February 2010, but was revoked 15 months later, in May 2011, for carrying an open container of alcohol in public. He explained to his parole officer that he was delivering it to a 19-year-old, an explanation that his parole officer found to be both unconvincing and suspicious. The Board affirmed the revocation in July 2011 and placed Mr. Jenkins on the next available list for another hearing before the full Board.



Jenkins appeared before the full Board on May 31, 2012. The Board noted Jenkins' pattern of lies and deception with his parole officers during his previous paroles and expressed concern about his lack of honesty and poor attitude. The Board, thereafter, voted to deny parole and set a three-year review date, declaring that the shorter review period was primarily based upon the effective testimony from witnesses in support of parole for Jenkins. Since appearing before the Board in May 2012, Jenkins has completed several rehabilitative and work-related programs, including Criminal Addictive Thinking (November 2014), Alternatives to Violence (Basic Course, February 2015), Fatherhood In Action (May 2014), Environmental Health and Safety Orientation (March 2014), and Blood Spill/Sewage Clean Up (March 2014). Jenkins incurred one disciplinary report in June 2014 for fighting with his cellmate.

Jenkins has been in custody for four years since his last return. At his May 5, 2015 hearing, he apologized for his past conduct on parole. He acknowledged that during his prior paroles, he was "still committed to criminal thinking." Jenkins said that he did not truly understand his criminal thinking until he participated in the Criminal Thinking program last year. He believes his prior conduct of being dishonest to his parole officers was based upon negative influences from prison. He told the Board that he now recognizes the need to be open and honest. Jenkins said that he entered and completed the Alternatives to Violence program after he incurred the disciplinary report and sanction for fighting with his cellmate and found the program to be very helpful. He said that he is seeking parole to a halfway house or some other therapeutic program to address substance abuse and adjustment issues.

Three individuals spoke in support of parole for Jenkins, including the Executive Director of United for Justice (Jenkins' former employer), Jenkins' sister, and Jenkins' longtime friend. All spoke highly of Jenkins and report that he was doing well in the community prior to being returned to custody (after being found in possession of an open container of beer).

There were no members of the public who appeared in opposition to Jenkins' parole release. Suffolk Assistant District Attorney Charles Bartoloni and Boston Police Commissioner William Evans submitted letters in opposition to parole.

### **III. DECISION**

Charles Jenkins has been in custody for four years since his last return for a non-violent infraction that did not result in any criminal charges. His return and prior denial of re-parole was warranted, given the three prior returns to custody for failures while on parole supervision. Jenkins has, however, had a good overall adjustment since his last return, having completed several programs and incurring only one disciplinary report for fighting (which he subsequently addressed via anti-violence programming). It is also worth noting that, although the Board does not find Jenkins' explanation for possessing the open container of beer to be persuasive, Jenkins has never tested positive for alcohol or illicit drugs while on parole. Jenkins continues to have strong supports in the community and a solid plan, if re-paroled. It is the Board's belief that a structured reentry through a sober house or long term residential program, coupled with counseling for adjustment, will enhance the likelihood of Jenkins' success on parole.

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, a majority of the Board grants parole to an approved long term residential treatment program or sober house on or after July 1, 2015, with special conditions. This plan will allow for important supports and treatment during a closely supervised transition.

**SPECIAL CONDITIONS:** Parole to an approved long term residential treatment program or sober house; Waive work for long term residential program or for the first two weeks of residence at a sober house; Must be at home between 10pm and 6am or at parole officer's discretion; No drug or alcohol use, testing in accordance with agency policy; Mental health evaluation and adhere to prescribed plan; Substance abuse evaluation and adhere to prescribed plan; One-on-one counseling for adjustment issues; Mandatory GPS monitoring for six months from date of release, then at parole officer's discretion.

*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.*

  
Michael J. Callahan, General Counsel

June 17, 2015  
Date