



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

DAVID JONES

W50884

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 28, 2017

DATE OF DECISION: September 21, 2017

PARTICIPATING BOARD MEMBERS: Paul 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 a suitable candidate for parole. Parole is granted to Brooke House with special conditions.

I. STATEMENT OF THE CASE

On July 2, 1991, in Suffolk Superior Court, 17-year-old David Jones pled guilty to the second degree murder of Ramon Cartagena. Accordingly, Mr. Jones was sentenced to life in prison with the possibility of parole. On that same date, Mr. Jones was also given a 3 to 5 year concurrent sentence for the unlawful possession of a firearm.

On the afternoon of January 30, 1991, there was an altercation between Mr. Jones and Mr. Cartagena's brother. During that exchange, Mr. Jones threatened to kill him. At approximately 12:15 a.m., on January 31, Mr. Jones went to the Huban Court apartments in Roxbury to find Mr. Cartagena's brother. After arriving, Mr. Jones waved a gun at Mr. Cartagena's brother (who was in the third floor window) and threatened to kill him. Mr. Cartagena's brother called the police and then called Mr. Cartagena, who was at a neighbor's apartment across the street. Mr. Cartagena's brother told Mr. Cartagena to stay inside the neighbor's house because a man outside had a gun. Mr. Cartagena, however, proceeded to go outside to see what was happening. Mr. Cartagena walked towards his apartment and asked Mr. Jones what the problem was. Mr. Jones fired one shot into a car that belonged to Mr.

Cartagena's brother. He then pointed the gun at Mr. Cartagena and, at close range, shot him in the chest. Mr. Cartagena died a short time later at Boston City Hospital. Mr. Jones fled after the shooting and was apprehended by police, approximately three blocks from the scene. He was in possession of a .22 caliber handgun that contained four live rounds and two spent shells.

II. PAROLE HEARING ON MARCH 28, 2017

Mr. Jones' initial hearing in 2006, as well as his review hearing in 2011, resulted in the denial of parole. His review hearing, on April 14, 2011, also resulted in the denial of parole. Mr. Jones received a positive parole vote on December 13, 2013. On December 5, 2014, Mr. Jones was released to a long term recovery program. Upon completing the program in April 2015, Mr. Jones went to live with his wife, mother, and step-father. In May 2015, Mr. Jones was returned to custody on parole violations involving irresponsible conduct and association with individuals who had criminal records. Parole was revoked. Mr. Jones had a review hearing in March 2016, resulting in a split decision by the Board and a one year review date.¹

Mr. Jones, now 43-years-old, appeared before the Parole Board for a review hearing and was represented by Attorney Jason Benzaken. In his opening statement to the Board, Mr. Jones expressed shame and regret for causing pain to both Mr. Cartagena's family and his own family. He acknowledged that a multitude of poor decisions led to his parole revocation in 2015 and stated that, since his return to custody, he has been working hard on his rehabilitation. Over the past year, he sought out proper mental health treatment and counseling through the Department of Correction and knows that he needs to continue with mental health treatment, if paroled. Mr. Jones addressed his mental health issues and spoke openly about being diagnosed with depression, anxiety, and post-traumatic stress disorder due to his extraordinary history of childhood and adolescent trauma. Mr. Jones told the Board that over the past year, he focused on his mental health rehabilitation and embraced pharmacological and counseling treatment. He has remained program involved and has been re-classified to a minimum security facility, where he currently resides.

The Board questioned Mr. Jones about his parole violations and revocation in 2015. Mr. Jones was open and honest about his choices and actions that resulted in his return to prison. Mr. Jones explained that he had been at his sister's house one night, when three of his nieces came over. He was aware that one of his nieces was a convicted felon. He subsequently left his sister's house with his nieces, ending up at a block party. Sometime after midnight, his three nieces proceeded to get into a physical altercation with a young lady, who Mr. Jones (later) found out was a friend of theirs. As Mr. Jones attempted to pull his nieces away, they continued to try to assault their friend. His nieces then began striking and kicking Mr. Jones, as he tried to prevent them from beating their friend. Mr. Jones had also been trying to get his three nieces into the car, so they could leave. Mr. Jones slapped his niece because he was trying to prevent her from getting out of the car. When Mr. Jones realized that there was nothing more he could do to stop his nieces, he called his mother and removed himself from the situation. Mr. Jones immediately called his parole officer (multiple times) to self-disclose his

¹ After the March 2016 review hearing, four (of seven) Board Members voted to deny parole with a review in two years, and three Board Members voted to parole Mr. Jones. The 4-3 vote lacked the two-thirds majority required by statute to grant parole, thus a review date was set for one year. See, M.G.L. c.127, §133A.

parole violations. He eventually reached his parole officer at around 3:00 a.m. and informed him of what had happened.

Mr. Jones told the Board that he has not had any contact with his nieces since his return to custody. He said that he learned he cannot be around people who engage in criminal behavior, even if they are family. He knows that he cannot put himself in certain situations, like the late-night block party, as he is on parole for the rest of his life and must behave accordingly. When asked why he thought he behaved the way he did that night, Mr. Jones said he believes he stretched himself too thin (while on parole) and, subsequently, stopped taking care of himself. He tried to be a good son, husband, uncle, brother, father, and friend, instead of putting his needs before anyone else's. He now understands that, if re-paroled, rehabilitation needs to be his top priority and that he must take care of himself before taking care of others. Board Members noted that if Mr. Jones is re-paroled, it is critical that he continue to focus on his mental health treatment.

If released, Mr. Jones plans to get an apartment with his wife (they have been married for 14 years) and go back to work. Mr. Jones had been gainfully employed at a movie theatre and a store (where he re-stocked shelves) and told the Board that both employers would welcome him back, if re-paroled. He stated that he has strong family support with his wife, mother, step-father, and brothers, all of whom would help him stay on the right track (and who would be positive role models for him in the community). If released, he plans to continue with his pharmacological and counseling treatment to address his mental health needs.

Mr. Jones had many members of his family in attendance at the hearing in support of parole. The Board considered testimony in support of parole from Mr. Jones' wife and younger brother. The Board also considered testimony from Dr. Robert Mendoza, a psychologist who completed an evaluation of Mr. Jones prior to the hearing. Dr. Mendoza also submitted his written report and evaluation to the Board for consideration. The Board received letters in opposition to Mr. Jones' parole from Suffolk County Assistant District Attorney Charles Bartoloni and Boston Police Commissioner William Evans.

III. DECISION

Mr. Jones has demonstrated that re-incarceration has served its purpose. He is currently in minimum security and his risk assessment score is low. In addition, Mr. Jones has addressed his mental health issues and appears motivated to continue his rehabilitation in the community. Therefore, parole is granted to the Brooke House, where he will obtain the necessary wrap around support services to include mental health.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity

and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

In forming this opinion, the Board has taken into consideration Mr. Jones' age at the time he committed the underlying crime and his institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered Dr. Mendoza's evaluation, a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Jones' risk of recidivism. After applying these factors to the circumstances of Mr. Jones' case, the Board is of the unanimous opinion that Mr. Jones is a suitable candidate for parole. Parole is granted to the Brook House with special conditions.

SPECIAL CONDITIONS: Waive work for Brooke House/2 weeks; Must be home between 10:00 pm and 6:00 am; Electronic monitoring-GPS; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact or association with [names]; No contact with victim's family; Must have mental health counseling for anxiety/transition, must comply with mental health plan; Long Term Residential Program Brooke House – to provide wrap around service for a successful re-entry; Must attend AA/NA at least three times per week.

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

9/21/17
Date