



**Charles D. Baker**  
Governor

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Lieutenant Governor

**Daniel Bennett**  
Secretary

# *The Commonwealth of Massachusetts*

## *Executive Office of Public Safety and Security*

### **PAROLE BOARD**

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**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 8, 2016

**DATE OF DECISION:** August 11, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in one year from the date of the hearing.<sup>1</sup>

#### **I. STATEMENT OF THE CASE**

On July 2, 1991, in Suffolk Superior Court, David Jones pled guilty to the second degree murder of Ramon Cartagena, as well as to unlawful possession of a firearm. A sentence of life in prison with the possibility of parole was imposed on Mr. Jones for the murder of Mr. Cartagena. On that same date, Mr. Jones was 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 had threatened to kill Mr. Cartagena's brother. 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. When Mr. Jones arrived at Huban Court, he was waving a gun at Mr. Cartagena's brother (who was in the third floor window) and

<sup>1</sup> The Parole Board's decision was split. Four of the Seven Members of the Board voted to schedule a review hearing on Mr. Jones' petition for parole in two years. Three Board Members voted to reserve to a long term residential program.



threatening 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. The brother told Mr. Cartagena to stay inside the neighbor's house because a man outside had a gun. He also informed Mr. Cartagena that the police were on the way. 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 heart. Mr. Cartagena died a short time later at Boston City Hospital.

Mr. Jones fled 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. Mr. Jones admitted to the shooting, but claimed it was self-defense.

## **II. PAROLE HEARING ON MARCH 8, 2016**

Mr. Jones' initial hearing before the Parole Board took place on February 7, 2006, and 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 mother and step-father. He was having difficulty securing a new therapist, and began to get overwhelmed by the stresses of family obligations and the transition back into the community. In May 2015, Mr. Jones was returned to custody on parole violations. Subsequently, Mr. Jones' parole was revoked based on violations of irresponsible conduct and association with individuals who had criminal records.

Mr. Jones, now 42-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 his parole violations and for causing pain to both Mr. Cartagena's family and his own family. He also thanked the Board for having previously granted him parole. During the course of the hearing, Mr. Jones addressed the events that resulted in his return to prison. Mr. Jones explained that he had been at his sister's house when three of his nieces came over at around 9:00 or 10:00 p.m. Mr. Jones had only met one of his nieces prior to going to prison. He was aware that one of his nieces was a convicted felon. Mr. Jones said that he knew he could not live with his niece since she was a felon, but mistakenly believed that he could still hang out with her. He was not aware that his other nieces had criminal records at that time. At around 10:00 or 11:00 p.m. that night, Mr. Jones left his sister's house with his nieces. They had initially planned to go out to eat, but ended up attending a block party instead. Mr. Jones said that, while he wanted to spend time with his nieces, most of his time at the party was spent in the company of people other than his nieces.

Mr. Jones represented that around 12:00 or 1:00 a.m., one of his nieces told another niece that a woman "kept me from going in." Mr. Jones heard this and took it to mean there was trouble. He believed his niece was saying that she had gotten into an argument with someone and that another woman prevented her from fighting that person. Subsequently, his three nieces proceeded to get into a physical altercation with a young lady, who Mr. Jones later found out was a friend of his nieces. As Mr. Jones attempted to pull his nieces away, they continued to try to assault their friend. He pleaded with them to think of their children and the potential consequences of their actions. His nieces 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. At times, he would get two of them into the vehicle, but the third would go back and continue attacking the friend. Mr. Jones slapped his niece because he was trying to prevent her from getting out of the car. Mr. Jones expressed regret for slapping his niece. Although Mr. Jones begged her to stop what she was doing, she continued yelling profanities at her friend. At that point, Mr. Jones realized that there was nothing more he could do to stop his nieces, so he called his mother and removed himself from the situation. Shortly after, Mr. Jones called his parole officer (multiple times) to self-disclose his parole violation. He eventually reached his parole officer around 3:00 a.m. and informed him of what had happened.

The Board expressed concern regarding the fact that Mr. Jones' underlying crime involved violence, as did the offense that resulted in his return to custody. While discussing his underlying crime, Mr. Jones admitted that he did not shoot Mr. Cartagena in self-defense as he had originally claimed. He said it was a "very bad misunderstanding" on his part. Mr. Cartagena was speaking in Spanish as he walked toward Mr. Jones, and Mr. Jones did not understand what he was saying. Mr. Jones said that Mr. Cartagena continued to walk towards him after Mr. Jones told him to "stop," but acknowledges that Mr. Cartagena's hands were up when he shot him. However, Mr. Jones believes he now has a "handle on violence." Mr. Jones described slapping his niece as an act of "aggression." He learned in the Anger Management Program that anger is an emotion, while aggression is physical. He knows that slapping his niece was a "violent act," but claimed that he did not slap his niece out of anger or malice. At one point, Mr. Jones believed slapping his niece was an act of self-defense, but (upon reflection) he now realizes that this was not the case. Mr. Jones said that he had wanted his niece to stop and think about what she was doing. He said his niece did not want to "see reason." Mr. Jones could not walk away from the situation because he did not want his nieces or the other young lady to get hurt. He now knows that he cannot put himself in this type of situation. In hindsight, Mr. Jones wishes he had dealt with the situation differently, but believes that he did the best he could at that time. He did not want to hurt anyone or to allow his nieces to hurt anyone either. In the future, Mr. Jones says he will ask for help and will not put himself in this type of situation again.

While on parole, Mr. Jones volunteered his time at churches, food banks, and shoveling snow for elderly people. He attended therapy sessions once a week and was training to work with at-risk youth. Mr. Jones also worked at a movie theater and stocked shelves in a store. Since returning to prison, Mr. Jones has participated in multiple programs, including Toast Masters, Setting Goals, Project Youth, Anger Management through Mental Health, and Jericho Circle. If granted parole, Mr. Jones believes that he will need counseling to deal with his abandonment issues and family relationships.

The Board considered testimony from Mr. Jones' mother, wife, and younger brother, all of whom expressed support for Mr. Jones' parole. The Board received a letter in opposition to Mr. Jones' parole from Boston Police Commissioner William Evans and Assistant District Attorney Charles Bartoloni.

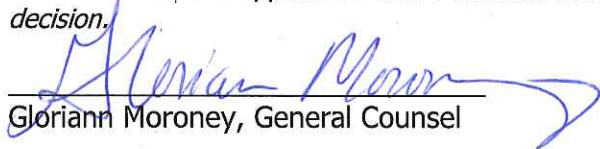
### **III. DECISION**

The Board is of the opinion that Mr. Jones has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Jones' rehabilitation.

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. Jones' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Jones' risk of recidivism. After applying this standard to the circumstances of Mr. Jones' case, the Board is of the unanimous opinion that Mr. Jones is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Jones' next appearance before the Board will take place in one year from the date of this hearing. During the interim, the Board encourages Mr. Jones 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

8/11/14  
Date