

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

DAVID JONES
W50884

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 15, 2020

DATE OF DECISION: May 13, 2021

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

STATEMENT OF THE CASE: On July 2, 1991, in Suffolk Superior Court, 17-year-old David Jones pleaded 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.

Mr. Jones appeared before the Parole Board for a review hearing on December 15, 2020 and was represented by Attorney Jason Benzaken. This was Mr. Jones' first appearance before the Board since his final revocation hearing in 2019. Mr. Jones was previously released on parole in 2014 and 2017, but was revoked due to parole violations. The entire video recording of Mr. Jones' December 15, 2020 hearing is fully incorporated by reference to the Board's decision.

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 unanimous vote that the inmate is a suitable candidate for parole. Reserve to CRJ-Transitional Housing: Brooke House for a minimum of six months. Mr. Jones shot and killed 40-year-old Ramon Cartagena in January of 1991. Since his return to custody, he has completed Restorative Justice Retreat and the Second Thoughts program. Mr. Jones appears to understand the importance of keeping his mental health a priority. Release with intensive mental health counseling for post-traumatic stress disorder, anxiety and substance abuse meets the legal standard.

¹ Chair Gloriann Moroney recused.

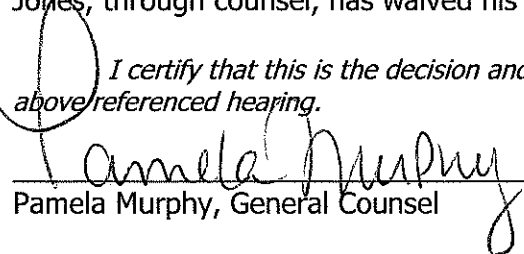
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Jones' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Jones' case, the Board is of the unanimous opinion that Mr. Jones is rehabilitated and merits parole at this time.

Special Conditions: Reserve to CRJ-Transitional Housing: Brooke House for a minimum of six months; Waive work for two weeks; Curfew at PO's discretion; ELMO-electronic monitoring at PO's discretion; 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 with [named individual]; No contact with victim's family; Must have mental health counseling for anxiety, post-traumatic stress disorder, and substance abuse; Mandatory – counseling must be individual.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Jones, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel

5/13/2021
Date