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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

DAVID JONES

W50884

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 18, 2013

DATE OF DECISION: December 13, 2013

PARTICIPATING BOARD MEMBERS: Caesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate 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. Parole is granted after six months in lower security at the Department of Correction (DOC) during which time Jones must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

I. STATEMENT OF THE CASE

David Jones shot and killed Ramon Cartagena, age 40, in Roxbury on January 31, 1991. Jones had just turned age 17 on January 29. Jones took several violent or aggressive steps that led to the murder. Jones robbed Edward Cartagena, the victim's brother, of marijuana days before the murder. On January 30, Jones and Edward Cartagena saw each other and engaged in an angry argument in which threats were exchanged. On the night of the murder, Jones went to the Cartagena residence in search of Edward Cartagena. Shortly after midnight on January 31, Jones was outside the Cartagena residence on Huban Court in Roxbury. He was

armed with a gun. Jones and Eddie Cartagena yelled and exchanged threats again; Eddie yelled from an upstairs window in his apartment.

Ramon Cartagena, Eddie's older brother, heard the yelling and ran into the street. He yelled in Spanish at Jones. Jones pulled out his gun and fired a first shot that struck a car. He pointed the gun at the victim and fired a second shot. The bullet struck Ramon Cartagena in the chest, entered his heart, and killed him. Jones ran, but was caught by police blocks from the scene with the murder weapon in his possession.

Jones pleaded guilty to second-degree murder on July 2, 1991. His first parole hearing occurred in 2006. The Parole Board denied parole with a review in five years. His second hearing occurred in 2011. While parole was denied, the Board set a review in two years in recognition of his significant improvement in rehabilitative efforts and accomplishments. As of the instant hearing, Jones has served 22 years and is 39 years old.

The inmate has several juvenile cases that were dismissed. The most serious case involved allegations of an assault with intent to rob.

II. INSTITUTIONAL HISTORY

David Jones showed no rehabilitation in his early years in prison. He accumulated disciplinary reports at a rapid pace, and many of them involved fighting and assaults. He was returned to higher custody twice and sent to DDU twice. Most seriously, he assaulted a corrections officer in 1993 and received 37 months in DDU. He returned to DDU in 1997, for a 24-month sentence, after severely beating two inmates. The inmate stated at the hearing that during those years he "was angry and it was everyone else's fault."

Based on his violent behavior on the street and in the prison, Jones appeared to be a lost cause. He described that he changed his goals, attitudes, and behavior after his younger brother was murdered in 1996 when Jones was in DDU. He said that he realized the effects of violence and loss, and understood for the first time what he had done to the Cartagena family when he killed Ramon Cartagena. Jones improved his behavior. He worked for and obtained a GED. He returned to general population in August, 1999. He fought again in 2002; this is his last disciplinary report for fighting. He said that he began regular program participation after this fight.

The inmate has remarkably improved conduct since 2002. He has taken rehabilitative programs: Correctional Recovery Academy, Alternatives to Violence, Emotional Awareness, Jericho Circle, Violence Reduction, Anger Management, Cognitive Skills, Problem Solving and Thinking Skills, and many self-help groups. He is employed as a houseman. Notably, his disciplinary reports have decreased in frequency.

III. PAROLE HEARING ON APRIL 18, 2013

David Jones appeared for his third parole hearing. He was 17 at the time of the murder. He is now 39 years old and has served 22 years of his life sentence. Parole was denied after his initial hearing in 2006 with a five year review. Parole was denied a second time after his hearing in 2011. The Board set a review period of two years in recognition of Jones' effective

work to reform his character and conduct. In this hearing, Jones candidly described his criminal lifestyle as a teenager. He reported that "I saw a lot of fighting and cussing growing up; I seen that and I knew no other way; I was taught to fight; I was in a lot of physical fights; I stabbed people before; I've been shot; I've been stabbed many times; I've been hit with bats and bottles; I joined the Mission Hill Posse in the 1980s after my mom got us back from DSS; the first gun I had belonged to my mom when I was 13 or 14; my mom forced me to go to school but I learned nothing because I slept; I got caught with a knife and was sent to an alternative school; there was chaos and confusion in my life leading up to the murder; I did know right from wrong, but I chose wrong."

Jones provided the following information about the murder: "I robbed the victim's brother days or weeks before; he remembered that but I did not because it was just another day for me; one day he drove past me and honked the horn; we had words but we both left; a day or two later I was walking home when someone called out to me; I looked up and he was in the third floor window; he said things and I said things; I told him to come down but he didn't; I heard footsteps and I turned around; Ramon was there speaking in Spanish; I told him to stop; he put his hands up and kept talking; I pulled out a gun; I fired once and then I fired again and he fell; I ran; I carried a firearm a lot."

Given Jones' criminal lifestyle and the violent murder he committed, Board Members inquired in depth about his rehabilitative efforts. Jones explained that, "prison saved me; it gave me a chance; at first I had a horrible prison adjustment; my way of thinking was bad; I fought for no reason, for any provocation; I got stabbed in Walpole; I improved starting at Souza-Baranowski in 2001 because I started programs; the loss of my baby brother, who was murdered, lifted a veil of ignorance from my eyes; I could find some positive at Souza; the programs helped me understand my issues; a lot of my anger came from what I saw as a child; I was mad at my parents because they were fighting all the time; the programs gave me tools to use; I know fighting is not the way; love of family also helped me, I got tired of calling my family from the hole; Alternatives to Violence and Emotional Awareness were important for giving me tools; now I know there is always an alternative to violence; violence only begets violence; violence resolves nothing; I was never taught to walk away or talk about it or seek help with a mediator; now I have learned those things; I think first now; before I didn't think and I went off emotion; after my first hearing I got a five year setback but I stayed immersed in programs; I took Family Awareness, Young Fathers, and Second Thoughts where I talk to youth about that lifestyle that leads to prison or death; I also learned to deal with the structure of family and keeping family together."

In discussing his current activities, Jones said, "I work as a houseman serving food and doing janitorial; I also help referee; I am on the waiting list for programs I want to take again – Alternatives to Violence and Jericho Circle – because I can sharpen my skills or learn something new; I see family two or three times a week; I get visits from my wife, children, and grandchildren; I hang now with people like myself who are doing programs, working, and staying out of trouble." Jones explained that "my wife is a good support for me; we have been married ten years; my mom and dad are in a better place; I have support from my siblings and my children." Jones said he does not have addiction issues and that he "sometimes drank alcohol but did not use drugs" before the murder. He was drinking beer on the night of the murder.

As he did at his hearing in 2011, David Jones expressed thoughtful remorse about the life he took. He explained that at the last hearing "I listened to his family; I heard that he was a good man and that he was a good family man; I didn't know all that before; it still saddens me knowing that being sorry and doing good now is not enough; his family has stood for him at the hearings so you don't forget him and I don't forget him; I learned from him because he was a good family man; your loved one inspires me to move forward the right way."

Eddie Cartagena, the victim's brother spoke in opposition to parole. Eddie Cartagena was a witness to the murder and described what happened that night. Ramon's sister and nephew also spoke in opposition. Ramon's sister said, "Ramon was a good man, a great friend, and great father to two daughters, he was always helping others." Assistant District Attorney Charles Bartoloni submitted a letter and testified in opposition. In his testimony, ADA Bartoloni recognized that Jones has "been honest and sincere today and he is not the same person" who committed the murder. Five of David Jones' relatives spoke in support of parole, including his mother and wife.

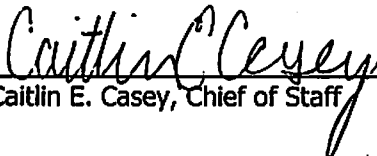
IV. DECISION

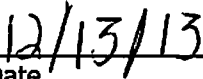
David Jones was an angry and violent teenager who at age 17 shot an innocent man to death. Jones continued with anger and violence in his early years in prison serving a life sentence for the second degree murder of Ramon Cartagena. Remarkably, in 2001 he began a positive transformation after the murder of his brother caused him to reflect on his own negative and destructive behavior. He used rehabilitative programs to lessen his anger and to learn new methods to resolve conflicts without violence. In addition, he has built a strong network of personal relationships with family members who both give and receive support from Mr. Jones. Jones' has demonstrated his successful reform in his greatly improved prison conduct for more than a decade and in strong presentations at his parole hearings. After considering all the evidence, the Parole Board concludes that the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – will have been met after Mr. Jones serves the approximately 24 years that will be required before release according to the terms of this decision.

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, the Parole Board grants parole to a long-term residential program after six months in lower security. This release plan will allow for important supports and treatment during a closely supervised transition.

SPECIAL CONDITIONS: Parole to a long-term residential program after six months in lower security; no drug use; no alcohol use; substance abuse evaluation at program with recommended treatment, if any, to be followed; mental health evaluation at program with recommended treatment to be followed.

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.


Caitlin E. Casey, Chief of Staff


Date