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Josh Wall  
Chairman

**RECORD OF DECISION**

**IN THE MATTER OF**

**DAVID JONES**

**W50884**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 14, 2011

**DATE OF DECISION:** April 12, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** Parole is denied with a review in two years (April 2013). The decision is unanimous.

**I. STATEMENT OF THE CASE**

David Jones shot and killed Ramon Cartegena, 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 Cartegena, the victim's brother, of marijuana days before the murder. On January 30, Jones and Edward Cartegena saw each other and engaged in an angry argument in which threats were exchanged. On the night of the murder, Jones went to the Cartegena residence in search of Edward Cartegena. Shortly after midnight on January 31, Jones was outside the Cartegena residence on Huban Court in Roxbury. He was armed with a gun. Jones and Eddie Cartegena yelled and exchanged threats again; Eddie yelled from an upstairs window in his apartment.

Ramon Cartegena, 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 Cartegena 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. He has served 21 years and is 38 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. PAROLE HEARING ON APRIL 14, 2011**

David Jones described a troubled childhood, a criminal lifestyle as a teenager, and a poor beginning to his incarceration. He asserted that his life changed in recent years after his own brother died. That death, according to the inmate, led him to insight, remorse, and efforts to rehabilitate.

Through documents and testimony, the hearing established the basic facts of the inmate's life, his criminal actions, and his institutional conduct. Jones had a tragic childhood in Mission Hill (Boston). Both his parents were abusive alcoholics. At age 5, Jones was at home when his mother stabbed and killed his father. After that homicide, the inmate and his five siblings were in foster care. His childhood included frequent physical fighting among his siblings; he stated that he responded violently to disagreements. As a teenager he became involved with the Mission Hill Posse. He admitted that he often carried a gun; he described an incident in which he assaulted his girlfriend while he was armed with the gun. He had three young children before he was incarcerated. The inmate said that one of those children, David Jones IV, was "murdered in the streets" and that his daughter attends college in Georgia.

The inmate admitted to the facts of the murder. He robbed Edward Cartegena in the days before the murder; he argued with Edward the day before the murder; and he walked through Huban Court just before the murder. The inmate said that he was walking home and was not on Huban Court for the purpose of confronting Edward. Board members were skeptical of that claim. He said that the first shot, which hit a parked car, was discharged accidentally. Board members were skeptical of that claim. He said he fired at that victim because "he kept coming towards me speaking Spanish."

Board members were clear that the inmate committed a violent shooting without mitigation. Jones robbed Edward Cartegena; went to Huban Court and threatened Edward Cartegena again; and drew his weapon and fired directly at Ramon Cartegena, who sought to protect his residence and his brother.

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 1996, 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, Violence Reduction, Anger Management, Cognitive Skills, Problem Solving and Thinking Skills, and many self-help groups. Notably, his disciplinary reports have decreased in frequency. He married in 2003.

David Jones gave an impressive presentation at the hearing. He was candid about his faults, insightful about the reasons he was angry and violent, and thoughtful in his discussion of his rehabilitative programs. He was especially effective in communicating his remorse and understanding of the harm he caused.

Many members of both families – Cartagena and Jones – attended the hearing. Five members of the Jones family spoke in support of parole. Edward Cartagena testified in opposition to parole; he gave a riveting eyewitness account of the murder. The victim Ramon Cartagena's daughter testified. Her testimony was extraordinary for its insight and understanding of the complicated circumstances that led David Jones to commit the murder. She said that she accepted the inmate's expressions of remorse as genuine; she said she forgave David Jones, and that "my father would forgive him." In his closing, David Jones apologized again for the pain and loss he caused the Cartagena family, and thanked the victim's daughter for her expression of forgiveness.

This was an emotional hearing, even by the standards of the Parole Board. There was nothing planned or predictable about the emotional interaction between the inmate and the Cartagena family. It seems very likely that the words of the victim's daughter, including those of understanding and forgiveness, will give David Jones additional motivation and support in his rehabilitation.

Suffolk County Assistant District Attorney Charles Bartoloni spoke in opposition to parole.

### **III. DECISION**

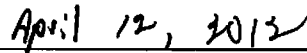
David Jones' behavior is significantly improved since 2002. He describes and shows remorse, change, and progress. It is not possible, however, for the inmate to earn parole in just nine years when his life was guided by anger and violence for two decades. David Jones dug a deep hole for himself by committing a murder and

spending a decade in prison with no effort to reform. There is now, however, reason to think that David Jones can earn parole in the future through continued hard work to reduce anger, eliminate violent responses, and act responsibly in all areas of behavior. Rehabilitation has several components, and time is one of the important components. Jones gives significant indications that he is established on a positive track; he shows motivation, insight, commitment, and improved conduct. In his recent institutional conduct and his presentation at the hearing, the inmate shows cognitive and behavioral change. Parole is denied because rehabilitation has not reached the point where the inmate can be released to the community. The Parole Board, therefore, cannot conclude that he would not re-offend in the community and that his release would be compatible with the welfare of society.

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



Josh Wall, Chairman



Date