



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

FELIX JIMENEZ

W88504

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **June 25, 2019**

DATE OF DECISION: **April 8, 2020**

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

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 not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On October 17, 2006, in Suffolk Superior Court, Felix Jimenez was found guilty of second-degree murder in the death of 29-year-old Benjamin Ayala. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Jimenez was also convicted of unlawful possession of a firearm and sentenced to a concurrent term of 4 to 5 years.

On August 11, 2004, Boston police responded to a radio call for a shooting at 80 Ceylon Street in Dorchester. Upon arrival, officers observed Benjamin Ayala, a mechanic at Laracuenta Garage, on the ground, suffering from a gunshot wound to the lower left jaw. He had no vital signs and was transported to Boston Medical Center, where he was pronounced dead. Prior to the shooting, Mr. Ayala and former customer, Felix Jimenez (age 30), had been engaged in an argument about work done on Mr. Jimenez's vehicle. A witness reported that Mr. Jimenez shot Mr. Ayala and, after an investigation, Mr. Jimenez was arrested.

II. PAROLE HEARING ON JUNE 25, 2019

Felix Jimenez, now 45-years-old, appeared before the Parole Board on June 25, 2019, for an initial hearing. He was not represented by counsel. In his opening statement to the Board, Mr. Jimenez extended his deepest apologies to the Ayala family. He expressed remorse and shame for his criminal behavior. Mr. Jimenez took full responsibility for his actions, regretting his cowardly decision. When Board Members asked Mr. Jimenez to explain any contributing factors that might have led him to kill Mr. Ayala, he responded, "Not being raised right." He admitted to a history of violence and stated that, as a child, he was taught to be violent and to fight with other children. Mr. Jimenez told the Board that he possessed 2 or 3 firearms between the ages of 16 to 20, which he purchased on the "streets." Mr. Jimenez admitted to having a "bad attitude."

When questioned as to the events leading up to the governing offense, Mr. Jimenez said that when he went to the mechanic shop, an argument ensued about his vehicle. Although he had not had any prior interaction with Mr. Ayala, Mr. Jimenez explained that Mr. Ayala tried to lunge at him. Mr. Jimenez then swung and hit him, adding that he (Mr. Jimenez) had his gun out already. At some point when Mr. Ayala tried to grab it, Mr. Jimenez saw the gun pointing in Mr. Ayala's direction and squeezed the trigger. He admitted to not hearing Mr. Ayala fall, since he quickly took off in his car, and acknowledged his disposal of the gun in a dumpster. Mr. Jimenez told the Board that his motivation behind the shooting was "stupidity," stating that his "anger" took over. He said that he never shot anyone prior to this offense. Board Members expressed their concern, however, about a (relatively recent) 2018 motion that Mr. Jimenez filed in Superior Court, regarding a blood test from the underlying case. In a sworn affidavit, Mr. Jimenez indicated that he was not involved in the murder. When Board Members noted Mr. Jimenez's statement in this hearing that he took responsibility for the murder in 2007 or 2008, Mr. Jimenez claimed that a "jailhouse lawyer" was filing motions for him.

When Board Members questioned him as to his programming efforts, Mr. Jimenez stated that the Alternatives to Violence, Restorative Justice, and Emotional Awareness programs have helped him. Previously, he never paused to think; rather, he would immediately react. Mr. Jimenez explained that, in 2008, his mindset changed and he wanted to better himself. He admitted that, until then, he had been in denial. Board Members noted, however, that Mr. Jimenez had three disciplinary reports, including a fight that occurred in 2016. When questioned as to other areas he needs to address, Mr. Jimenez responded that he would like "extra counseling," although he denied seeking any mental health counseling in prison.

The Board considered testimony in support of parole from Mr. Jimenez's friend, aunt, sister, and son. The Board considered testimony in opposition to parole from Mr. Ayala's father, mother, and girlfriend. Suffolk County Assistant District Attorney Jennifer Hickman testified in opposition to parole.

III. DECISION

Felix Jimenez shot and killed 29-year-old Benjamin Ayala in 2004. It is the opinion of the Board that he has not made enough rehabilitative progress that would make his release compatible with the welfare of society. He should continue to adhere to a personalized program plan. He just recently accepted responsibility for his culpability in the death of Mr. Ayala.

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

Mr. Jimenez's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages him 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.

Pamela Murphy /s/ _____
Pamela Murphy, General Counsel

4/8/2020
Date