



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Josh Wall
Chairman

DECISION

IN THE MATTER OF

JAMAL SPENCER

W50106

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: September 20, 2011

DATE OF DECISION: April 19, 2013¹

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years. The next hearing will be in September of 2016.

I. STATEMENT OF THE CASE

On September 20, 2011, Jamal Spencer appeared before the Board as a parole violator for a review hearing. He was paroled on June 7, 2006, but was returned to custody on August 31, 2007, when he was arrested for unlawful possession of a firearm and ammunition. That day, police responded to a call for shots fired and recovered a .9mm Beretta with a high capacity magazine and ammunition from Mr. Spencer's residence. Mr. Spencer pleaded guilty to these offenses, and was sentenced to serve four years to four years and one day in prison.

¹ This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

On May 11, 1990, Jamal Spencer shot and killed Sabrina Smith, and also shot Wayne Chesterfield, who survived. He pleaded guilty to second degree murder on March 11, 1991, and was sentenced to serve life in prison.

On the day of the murder, Mr. Spencer and his co-defendants, Robert and Deneen Smythwick, had gone to 72 Bellevue Street in Dorchester to settle a dispute with the victims. At some point during their ensuing discussions, Mr. Spencer removed a .45 caliber gun from his pocket and shot Mr. Chesterfield in the left side of the chest and fatally shot Ms. Smith in the chest.

II. PAROLE HEARING ON SEPTEMBER 20, 2011

Jamal Spencer admitted that he fired multiple shots at Wayne Chesterfield, injuring Mr. Chesterfield and killing Sabrina Smith. Mr. Spencer said that at the time "I was running in a gang, I lived a life of violence, I have a bad attitude then." He placed all blame for his parole violation on his nephew. Board Members did not accept Mr. Spencer's description of his role in the firearm incident, as it conflicted with the evidence and the conviction for unlawful possession of a firearm.

Board Members questioned Mr. Spencer about his prison conduct. He has three disciplinary reports since his return to custody in 2009. He had three returns to higher custody in the 1990s, two for assaulting other inmates and one for gang activity.

Five supporters spoke in support of parole. Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition. He pointed out that Mr. Spencer was involved with his nephew in possessing weapons and ammunition that were connected with a shooting incident; there were 80 rounds of ammunition in the apartment; and when police arrived Mr. Spencer pretended he was asleep and then pretended that he had problems with his vision, showing a consciousness of guilt.

III. DECISION

Jamal Spencer received parole after serving 15 years of a life sentence. He had a spectacular failure after only 14 months on parole when he was involved with possessing firearms and ammunition that were related to a shooting incident. He received a four year commitment for unlawful possession of a firearm. Since his return to custody, he has had three disciplinary reports. Mr. Spencer's criminal conduct on parole establishes that he is not rehabilitated.

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 here, the Board finds that Mr. Spencer is not a suitable candidate for parole. Accordingly, parole is denied.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.

Josh Wall

Josh Wall, Chairman

April 19, 2013

Date