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DECISION

IN THE MATTER OF

JAMIE ROSA

W36334

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 7, 2016

DATE OF DECISION: April 18, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, and Lucy Soto-Abbe

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 the 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 majority 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.¹

I. STATEMENT OF THE CASE

On August 16, 1977, in Suffolk Superior Court, Jamie Rosa pled guilty to the second degree murder of Ralph Heaney and was sentenced to life in prison with the possibility of parole. At the time of Mr. Heaney's murder, Mr. Rosa was 18-years-old. In addition, on December 19, 1977, in Norfolk Superior Court, Mr. Rosa was found guilty of assault with intent to rob, armed robbery, and assault with intent to murder. He received a 5 to 7 year sentence for each charge.² Mr. Rosa received these sentences for his role in violent robberies committed that same evening in Brookline, following the murder of Mr. Heaney.

¹ Five Board Members voted to deny parole with a review in 3 years. Two Board Members voted to reserve to a home plan with special conditions.

² All other sentences have expired. Mr. Rosa is only serving the life sentence.

On March 31, 1977, at approximately 9:30 p.m., Mr. Rosa, his two co-defendants, Johnny Colon and Tony Colon (no relation), and a fourth unidentified individual, were sitting in Mr. Rosa's car on Parker Street drinking beer. At some point, the group decided to go to the Fenway neighborhood of Boston for the purpose of committing a robbery. When they arrived there, Johnny Colon remained in the car. Mr. Rosa, Tony Colon, and the other unidentified individual entered the Fenway neighborhood and chose Mr. Heaney as their victim. Mr. Rosa held a knife to Mr. Heaney's throat and demanded money. Mr. Heaney fell to his knees, said "I only have a dollar," and pleaded with his attackers not to kill him. Sometime later, Mr. Rosa stabbed him to death. Later that night, after dropping off the fourth person, Mr. Rosa and his two co-defendants drove to Brookline and committed additional violent robberies.

II. PAROLE HEARING ON JUNE 7, 2016

Jamie Rosa, now 57-years-old, appeared before the Parole Board on June 7, 2016, for a review hearing and was represented by Attorney John Rull. Mr. Rosa was paroled in 1992 from his life sentence to his consecutive sentences and, in 1994, was paroled to the community. In 2002, Mr. Rosa was returned on a parole violation warrant and, in 2004, he was re-paroled. In 2007, however, his parole was again revoked. He was denied parole after review hearings in 2008 and 2013.

In Mr. Rosa's opening statement to the Board, he took responsibility for the murder of Mr. Heaney and apologized to his family. He also apologized to the Parole Board, his parole officer, his family and friends, and his employer. Mr. Rosa spoke about the evening of Mr. Heaney's murder and admitted to the stabbing death of Mr. Heaney. According to Mr. Rosa, he and his co-defendants went to the Fenway neighborhood of Boston because it was poorly lit and an area Mr. Rosa knew well. Mr. Rosa said that Mr. Heaney was chosen at random, but could not explain the level of rage he possessed when he stabbed Mr. Heaney. According to Mr. Rosa, he was a petty car thief up until the night of the murder. He stated that Mr. Heaney's murder was the result of a situation out of control.

Mr. Rosa discussed his activities in prison after his most recent return to custody and stated that he has made significant progress in rehabilitation. Mr. Rosa told the Board that he has served as a Chaplain clerk for the past eight years and (currently) serves in that position up to seven days a week. He also attends Alcoholics Anonymous/Narcotics Anonymous twice a week and participates in various programs, including a correspondence course on domestic violence, Chance on Change, and the Correctional Recovery Academy. Mr. Rosa told the Board that mental health counseling has helped him take greater responsibility for his actions. He met his current wife through his church group, marrying her while incarcerated. He understands the challenges to his new marriage, if granted parole, but noted the broad support he expects to receive from his church.

The Board questioned Mr. Rosa about his relationship with his first wife and the two incidents that led to his previous revocations of parole. Mr. Rosa discussed the financial strain placed on his first marriage by his wife's family, resulting in an incident where he admitted to swinging a closed fist at his wife (multiple times). Mr. Rosa was returned to custody in 2002, following the assault on his wife. In 2004, Mr. Rosa was paroled again with new conditions of release. Mr. Rosa claimed that he waited over a year to start drinking again. He said that during this second period of parole supervision, his relationship with his wife changed

dramatically, and she moved out of their apartment. In 2007, he said that he went to his wife's work place because he had a check addressed to both of them. This incident led to his wife seeking a restraining order against him. He admitted to being dishonest with his parole officer during this time and to committing other parole violations, such as operating a vehicle under the influence of alcohol. Mr. Rosa acknowledged that his transgressions were the reasons he was returned to custody in 2007. According to Mr. Rosa, he and his first wife divorced in 2013 and currently have no relationship.

Upon questioning by the Board, Mr. Rosa acknowledged his lack of candor at his last parole hearing. He realized that he was an alcoholic after reading the Board's Decision in 2013. According to Mr. Rosa, he abused alcohol and marijuana on the day of Mr. Heaney's murder. Mr. Rosa also acknowledged abusing alcohol during prior periods of parole supervision, yet he was unable to explain to the Board why it took him until 2013 to realize that he was an alcoholic. When asked if there was anything he could have done better to prepare for supervision, Mr. Rosa responded that he should have sought mental health assistance. He told the Board that his mental health clinician has helped him, stating that it would be different if he was re-paroled. He would be honest with his parole officer and ask for help, if needed. He admitted to the Board that he made bad choices when drinking.

Mr. Rosa's wife, two friends, and a retired pastor testified in support of parole. Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter indicating that the Parole Board is in the best position to determine whether parole is appropriate.

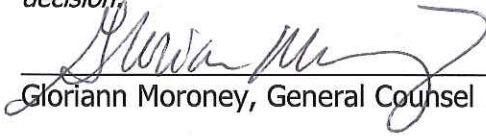
III. DECISION

The Board is of the opinion that Mr. Rosa has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive rehabilitative adjustment and programming would be beneficial to Mr. Rosa's rehabilitation.

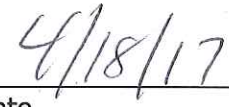
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. The Board has also taken into consideration Mr. Rosa's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Rosa's risk of recidivism. After applying this standard to Mr. Rosa's case, the Board is of the unanimous opinion that Mr. Rosa does not merit parole at this time.

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



Gloriann Moroney, General Counsel



Date