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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

JASON CLEMENTS

W64045

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 14, 2013

DATE OF DECISION: December 10, 2013

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, 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, 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 for Mr. Clements to serve from and after sentences at the Department of Correction (DOC) during which time Mr. Clements must maintain good conduct, and comply with all DOC expectations for programs, activities, and employment. Upon release from the from and after sentences, he will be required to enter a long term residential program.

I. STATEMENT OF THE CASE

On January 30, 1998, after a jury trial in Suffolk Superior Court, Jason Clements was convicted of second-degree murder, unlawful possession of a firearm, and armed assault with intent to murder. He was sentenced to serve life in prison for the murder, a term of three to four years for the firearm conviction, and a term of five to seven years for the armed assault with intent to murder. The two sentences for a term of years are concurrent with each other but are from and after the life sentence. Clements filed a motion for a new trial, which was denied in 1999, and his subsequent appeal to the Massachusetts Appeals Court was unsuccessful. *Commonwealth v. Clements*, 51 Mass. App. Ct. 508 (2001). The Supreme Judicial Court allowed his petition for further appellate review in 2001, and ultimately affirmed

the convictions in 2002. *Commonwealth v. Clements*, 436 Mass. 190 (2002). The following facts are culled from the Supreme Judicial Court's opinion.

Gregory Tillery, age 25, was shot and killed on Harvard Street in Dorchester on January 30, 1995. Sakoya Willis, age 21, was the victim of an attempted shooting. Willis had known Clements, then 17 years old, since childhood, although their relationship had soured shortly before the murder due to "drugs" and other issues.

On the day of the murder, Willis and Tillery were selling drugs on a corner on Harvard Street, an area that Clements, who also sold drugs, viewed as his territory. Clements and his co-defendant, Kenneth Mattox, were also on Harvard Street. At one point, Clements and Mattox and Willis and Tillery exchanged "looks;" later, Mattox walked by Willis and Tillery singing, "I've never seen a man cry until a man dies." After that, Willis and Tillery moved away from Mattox, proceeding on Harvard Street toward Greenwood Street.

Shortly thereafter, Clements and Mattox returned to the area armed with guns and fired on Tillery and Willis. Clements fired at Willis, who was not hit, and Mattox fired on Tillery. Willis fled, and heard more gunshots. Later that evening, he learned that Tillery had been killed. Willis eventually identified Clements and Mattox during the course of the police investigation, and Clements was ultimately convicted of the murder on a theory of joint venture liability, and as a principal for the assault on Willis. Mattox was acquitted of all charges.

II. PAROLE HEARING ON NOVEMBER 14, 2013

Jason Clements, age 36, appeared for his second parole hearing, having been given a two-year setback following his initial hearing in 2011. He said that, according to the 2011 Decision, the Parole Board "denied me because I didn't have a long enough period of rehabilitation." He reported that since his last hearing he has completed two programs, Emotional Awareness Advanced and Jericho Circle Intensive, as well as obtained his bachelor's degree from Boston University. He noted the importance of Jericho Circle "because it gave me the opportunity to deal with the issues we discussed at my last parole hearing, including witnessing my father physically abusing my mother."

In addition to Emotional Awareness Advanced and Jericho Circle Intensive, Clements has completed the Correctional Recovery Academy (a six-month residential program), Alternatives to Violence (several phases), Problem Solving (both as a participant and a group leader), Fatherhood, ABLE Minds, and an earlier phase of Jericho Circle. He obtained a welding certificate. He has regularly made the dean's list for his college course grades. He also attends AA and NA. In discussing his program work, Clements said, "I had to unlearn criminal behaviors and correct my criminal thinking; now I can see pitfalls and high risk situations and avoid them because of skills I have learned in the programs; I no longer ascribe to that criminal lifestyle and values, and I'm ashamed of the person who did."

Clements said he receives visits from his mother and 17-year-old daughter. He said, "I have a small support network of family and friends; it's reliable and it's there for me." He wants to obtain work as a welder, but has long-term goals of obtaining a master's degree in business administration, opening his own business, and owning his own house. He emphasized the importance of developing a strong work ethic "because that's how I got into the criminal

lifestyle, I wanted the money." He does not consider himself to have a substance abuse problem. He attends AA and NA because "I like it; it encompasses a lot of issues beyond substance abuse."

Clements' mother and brother spoke in support of parole. They described the criminal lifestyle of Clements' father, and explained how that negatively affected Clements' development and opportunities. His mother said, "we talk daily on the phone; I have always told him that he has to choose which path to take and he needed to get involved in the programs." She said she has a stable home and has been employed in the same nursing job for 22 years. His brother reported that, after some criminal behavior, he took a different path by obtaining a college degree in finance and has been employed as a financial analyst since 1995. Conan Harris, who leads the Boston Foundation's Safe Street program, spoke in support of parole. He said, "I've known Jason for 20 years; he's done a great job in there; it's a process; most importantly, he's done the internal work to rehabilitate."

The Tillery family is opposed to parole. They draw no distinction between Clements, who fired at Sakoya Willis, and the other shooter, who shot Gregory Tillery. Two sisters and two cousins of the victim spoke in opposition. A family friend read a letter from Gregory Tillery's son. Suffolk Assistant District Attorney Charles Bartoloni submitted a letter in opposition.

III. DECISION

Jason Clements began a criminal lifestyle as a young teenager. He sold drugs and carried a handgun as a necessary part of doing business. He was willing to use violence to protect his drug business. When Gregory Tillery and Sakoya Willis sold drugs on the street that Clements saw as his territory, Clements and Kenneth Mattox retaliated with a murder plan. Mattox shot Gregory Tillery multiple times and Clements fired multiple shots at Willis as he chased him down the street. Clements was convicted of murdering Gregory Tillery, on a theory of joint venture, and attempting to kill Sakoya Willis. For these acts of violence, Clements deserves considerable punishment. His early years in prison were marked by poor conduct, including more violence. In 2003, however, Jason Clements made a remarkable transformation as he participated in rehabilitative programs and pursued educational and vocational opportunities. His conduct improved dramatically and, as demonstrated at this parole hearing, he has absorbed the lessons of the programs and learned the skills that were taught.

By compiling an exemplary record since 2003, Jason Clements has established that he is rehabilitated. He has reformed his conduct and his criminal thinking; he has developed impulse control, anger management, and conflict resolution. As a result, he does not present a current risk for violence. Parole to his from and after sentences of five to seven years and three to four years moves Clements to the next step of his process of atonement; in serving those sentences he will receive punishment for assaulting Sakoya Willis with the intent to murder him. That additional period of incarceration will also give further indication of his rehabilitative progress.

The standard 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 an 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." Because he has demonstrated that he is rehabilitated, the Board paroles Jason

Clements on the life sentence for second degree murder with the expectation that, as he serves his from and after sentences, he will continue with good behavior and productive activity, including employment, in the institution. A transition through lower security can be accomplished while he serves his from and after sentences.

SPECIAL CONDITIONS: Parole to from and after sentences and thereafter to long term residential program; no drug use; no alcohol use; counseling for adjustment issues; no contact with victims' families or surviving victim.

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 each member of the Board has reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.


Janis DiLoreto Noble, General Counsel

12/10/13
Date