

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JONATHAN ASHLEY

W94203

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 29, 2021

DATE OF DECISION: March 31, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On April 9, 2009, after a jury trial in Bristol County Superior Court, Jonathan Ashley was convicted of the second-degree murder of 23-year-old Esteban Tum Chach. He was sentenced to life in prison with the possibility of parole.

On the evening of September 14, 2006, Esteban Tum Chach (age 23) and his two friends, Carlos and Juan, were walking down North Front Street in New Bedford. They were headed toward 12 Bullard Street, where both Carlos and Juan lived. Mr. Chach was wearing a hat and had a cell phone clipped to his right pocket. As the three men approached the corner of North Front Street and Bullard Street, they encountered Jonathan Ashley (age 28), who was standing outside 352 North Front Street. Without any apparent provocation, Mr. Ashley started

¹ One Board Member voted to grant parole after 18 months in lower security.

an altercation with the men by taking (or knocking off) Mr. Chach's hat; asking for money; stating, "Give me five dollars for your hat;" and taking the cell phone. An argument ensued that soon devolved into a fistfight. At that point, Mr. Ashley took a knife from his pocket and stabbed Mr. Chach in his right side. The fight lasted only a couple of minutes but, by the time it ended, Mr. Chach was bleeding heavily. Mr. Ashley then ran inside 352 North Front Street. He was subsequently located by his parole officer and apprehended by police. Mr. Chach later succumbed to his injury. Mr. Ashley was on parole supervision at the time of the murder. He was paroled in May of 2006 while serving a one-year sentence for Possession with Intent to Distribute a Class A Controlled Substance and concurrent 90-day sentences for two counts of Assault and Battery.

II. PAROLE HEARING ON JULY 29, 2021

Jonathan Ashley, now 44-years-old, appeared before the Parole Board for an initial hearing on July 29, 2021, and was represented by Attorney Kim Jones. In his opening statement to the Board, Mr. Ashley apologized to the family and friends of Mr. Chach. He stated that he was "very sorry for [his] actions" and thinks about what he did to Mr. Chach and his family every day. Mr. Ashley explained that, when he was younger, he never thought about the "consequences [his] actions had on others." He admitted that he was "being a bully by instigating an altercation." Mr. Ashley explained that, in third grade, he was placed in alternative schooling because he suffered from attention deficit disorder. The teachers were permitted to restrain him; thus, Mr. Ashley described a difficult adjustment in school. He later dropped out and subsequently became involved in the criminal justice system. When the Board discussed his history of violence, as well as his time on parole supervision, Mr. Ashley explained that he had "displaced anger" relative to his childhood experiences.

Mr. Ashley was on parole supervision at the time of the governing offense and reported that he frequently used alcohol to self-medicate. At the time, Mr. Ashley believed he only had an addiction to marijuana. On the evening of the murder, Mr. Ashley went to two establishments, where he had approximately four drinks at each location. Later, he returned home and, at some point, encountered Mr. Chach outside, as he was walking up the street with two other individuals. Mr. Ashley started "messing around" with them and took Mr. Chach's hat. Then, he began "teasing" Mr. Chach by asking for five dollars. An altercation ensued, and Mr. Ashley grabbed Mr. Chach's cell phone from his pants. When Mr. Ashley saw Carlos grab a knife, he took out his own knife. Mr. Ashley indicated that when Mr. Chach ran after him, he proceeded to stab him. Afterwards, Mr. Ashley ran to his apartment, where he threw away his shirt and cell phone. At some point, he fell asleep and awoke to the police and ambulance outside. Mr. Ashley stated that he learned from a neighbor that Mr. Chach had died. He hid in a closet and was arrested the next day.

The Board expressed concern that Mr. Ashley has exhibited assaultive conduct during his incarceration, as recently as 2018, when he incurred a disciplinary report for an altercation with another inmate. In 2017, Mr. Ashley was involved in an altercation with his cell mate, who sustained injuries to his face. Mr. Ashley admitted that he could have avoided both situations had he applied the skills he learned through his programming efforts. The Board also discussed charges filed in 2008, while Mr. Ashley awaited trial for vandalism, assault and battery, and assault and battery with a dangerous weapon. Mr. Ashley indicated that the vandalism incident

involved a broken cell door and that the other matter involved an inmate attacking another inmate with a broom stick. Mr. Ashley explained that he "went after" the inmate with the broom stick. Mr. Ashley also received a 60-day commitment for contempt. Further, Mr. Ashley told the Board that, during his arraignment in court, he stated to the Assistant District Attorney, "I will see you soon."

Mr. Ashley told the Board that he used "home brew" and marijuana in the House of Correction. After he was transferred to the Souza Baranowski Correctional Facility, he continued to use marijuana and "home brew" for approximately one year. Mr. Ashley tried to maintain his sobriety; however, he was not always successful. When the Board noted his programming efforts, Mr. Ashley discussed his participation in the CRA (Correctional Recovery Academy). Although he had difficulty in adjusting to the CRA in the first six months, eventually, he became a facilitator in the program as it helped him change his way of thinking. Mr. Ashley also enjoyed participating in Project Youth because he believes that he had a positive impact on young people. Mr. Ashley stated that he was employed in the kitchen and participates in both the Graduate Maintenance Program and computer classes. He also obtained his Serv Safe certificate. Mr. Ashley reported that he has maintained his sobriety since 2013.

The Board considered a letter in support of parole from Mr. Ashley's mother, which was read aloud to the Board, as well as testimony in support of parole from Mr. Ashley's aunt. The Board considered testimony in opposition to parole from Bristol County Assistant District Attorney Jason Mohan.

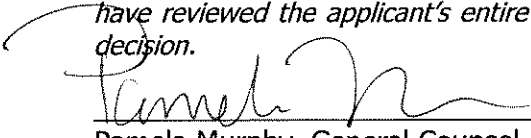
III. DECISION

The Board is of the opinion that Jonathan Ashley has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Ashley is serving a life sentence for stabbing and killing 23-year-old Esteban Tum Chach, while on parole for drug crimes and crimes of violence. Mr. Ashley had been on parole for less than five months. Although Mr. Ashley has engaged in programming, he continues to engage in behavior resulting in serious disciplinary reports. The Board remains concerned with his violent behavior in recent years. Mr. Ashley needs a longer period of positive adjustment and time to show he has applied what he learned through programming.

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. Ashley'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. Ashley's risk of recidivism. After applying this standard to the circumstances of Mr. Ashley's case, the Board is of the opinion that Jonathan Ashley is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Ashley's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Ashley to continue working toward 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, General Counsel

3/30/2022
Date