

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JONATHAN ASHLEY
W94203

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **July 20, 2023**

DATE OF DECISION: **November 7, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse

STATEMENT OF THE CASE: On April 9, 2009, following a jury trial in Bristol County Superior Court, Jonathan Ashley was convicted of the second-degree murder of 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 were walking down North Front Street in New Bedford. They were headed toward the area where his friends both 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. Without any apparent provocation, Mr. Ashley started 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, which 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 ran inside, but 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 had been paroled in May 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.

PAROLE HEARING: Jonathan Ashley appeared before the Board for a review hearing on July 20, 2023. He was represented by two student attorneys from Northeastern University School of Law under the supervision of Attorney Patricia Garin. Parole was denied following Mr. Ashley's initial hearing in 2021. The entire video recording of Mr. Ashley's July 20, 2023 hearing is fully incorporated by reference to the Board's decision.

DECISION OF THE BOARD: 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.

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 that the inmate is a suitable candidate for parole. Parole reserve to CRJ after 1 year in lower security.¹

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 unanimous opinion that Mr. Ashley is rehabilitated and, therefore, merits parole at this time, subject to special conditions.


The Board recognizes Mr. Ashley's statements of remorse and notes positive institutional adjustment. Since his last hearing, he has taken recommendations of the Board by engaging in programming and being disciplinary report free. Subject has availed himself of the CRA (Correctional Recovery Academy) twice and completed a significant amount of programming. He is enrolled in Project Youth and has been certified by ServSafe. Subject has maintained his sobriety (self-reported use of marijuana in 2013) for a significant period. He engaged in occupational programming, including being a carpenter's apprentice, working in culinary arts, and taking computer classes. Subject has family support as demonstrated through letters and testimony. Subject reported a childhood diagnosis of ADD, which was untreated at the time of the crime. The Board considered a post-hearing memo outlining specialized MH (mental health) services, which will address neuro-psychological concerns upon release and provide services. The Prisoners' Rights Clinic says it will assist subject with accessing the services. A majority of the Board believes a step-down period will assist with transition. The Board recommends Brooke House, where his services will be located. Assistant District Attorney Mohan spoke in opposition.

Special Conditions: Parole reserve to CRJ after one year in lower security; Waive work for 2 weeks; Curfew - must be home between 10 pm and 6 am or Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor, testing in accordance with agency policy; Report to assigned MA parole office on day of release; No contact with victim's family; Must have mental health evaluation at Boston Neurobehavioral Association, Americare Behavioral,

¹ One Board Member voted for a parole reserve to CRJ without a step-down to lower security.

or Mass Counseling Center, and must comply with recommended treatment plan; Must have substance abuse evaluation, and must comply with recommended treatment plan; Must have mental health counseling for neurobehavioral care; Residential program – CRJ Brooke House; Mandatory provide current release forms for all providers; Mandatory follow recommendations/treatment plan.

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.


Tina M. Hurley, Chair

11/07/2023

Date