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DECISION

IN THE MATTER OF

JONATHAN MEJIA

W82532

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 13, 2016

DATE OF DECISION: March 13, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 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 unanimous vote that the inmate not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On October 1, 2003, in Suffolk Superior Court, a jury found Jonathan Mejia guilty of the second degree murder of John Hammonds. That same day, he was also convicted of unlawful possession of a firearm and unlawful possession of ammunition. Mr. Mejia was sentenced to life in prison with the possibility of parole for the murder of Mr. Hammonds. He also received a concurrent sentence of 3 years to 3 years and 1 day for the firearm conviction.

On September 8, 2001, at approximately 1:30 a.m., 31-year-old John Hammonds was walking to a gas station convenience store in Jamaica Plain to buy a sandwich. A woman (who later became a witness to the murder) was traveling behind him on her way to the same store. As she was heading towards the store, Mr. Mejia (then 15-years-old) approached her on a bicycle. Mr. Mejia had been selling drugs to this woman on a daily basis for the past two years. When Mr. Mejia demanded that she give him money, she told him that she did not have any

money. Mr. Mejia then rode his bike up to Mr. Hammonds (a short distance away) and accosted him. After Mr. Hammonds asked Mr. Mejia to leave him alone, Mr. Mejia pulled out a .38 caliber handgun, yelled a racial epithet at Mr. Hammonds, and threatened to kill him. Mr. Mejia then proceeded to shoot Mr. Hammonds three times, including a shot to the back as Mr. Hammonds tried to run away.

Mr. Hammonds was transported to Boston Medical Center, where he underwent surgery. He ultimately succumbed to his injuries and was pronounced dead on September 9, 2001. Mr. Mejia was arrested on September 13, 2001.

II. PAROLE HEARING ON SEPTEMBER 13, 2016

Mr. Mejia, now 30-years-old, appeared before the Parole Board for an initial hearing and was represented by Attorney Catherine Hinton. In his opening statement to the Board, Mr. Mejia expressed his remorse for taking Mr. Hammonds' life and for the impact that the loss had on the victim's family. He also apologized to Mr. Hammonds' family and the community.

The Board asked Mr. Mejia to discuss his childhood. Mr. Mejia said that his father went to federal prison around the time that he was 8-years-old. Prior to his father's incarceration, Mr. Mejia had known that he was selling drugs and that there were drugs in his home. Mr. Mejia had three older half-siblings and two younger siblings. After his father went to prison, he was separated from his older half-siblings, who went to stay with family on his father's side. Mr. Mejia remained with his mother and two younger siblings. When his uncle's wife subsequently overdosed, Mr. Mejia's mother took in her three children, so they would not end up in the foster care system. With his mother working to support the family, Mr. Mejia helped take care of the other children. Mr. Mejia was diagnosed with special needs as a child and received additional support with his school work. He also had a stutter, which he was sometimes teased about. In order to mask the shame that he felt for not being able to read well or speak properly, Mr. Mejia said that he would tell jokes or act up in school.

At the time of the murder, Mr. Mejia was drinking alcohol daily and smoking marijuana occasionally. In describing the night of the murder to the Board, Mr. Mejia explained that he had a "heated discussion" with a woman who owed him money for cocaine. Mr. Mejia (on his bicycle) was following the woman (who uses a wheelchair) to the gas station. According to Mr. Mejia, as the two of them were having this exchange, Mr. Hammonds approached on foot and "bumped" into Mr. Mejia. Mr. Mejia believes he said something like "watch where you're going" to Mr. Hammonds. When Mr. Hammonds tried to address him, Mr. Mejia "went off" on him. Mr. Mejia said that Mr. Hammonds could have been saying "excuse me." At the time, however, Mr. Mejia became angry and began to stutter. He felt as though Mr. Hammonds was trying to "challenge" him. A Board Member later referenced the woman's account of the events and asked Mr. Mejia if he had ridden his bike away from the woman and approached the victim, instead of the victim bumping into Mr. Mejia. The Board Member further questioned Mr. Mejia as to whether he recalled Mr. Hammonds asking him to leave him alone and pushing him away, before Mr. Mejia yelled a racial epithet at Mr. Hammonds and threatened to kill him, eventually shooting him. In response to those questions, Mr. Mejia stated, "No." Mr. Mejia maintains that he and Mr. Hammonds bumped into each other.

During questioning from the Board, Mr. Mejia acknowledged that he pulled out his gun and shot Mr. Hammonds three times. He indicated that Mr. Hammonds was trying to get away when the third bullet hit him in the back. When asked why he shot the victim a third time, Mr. Mejia said that he did not think that he had hit him. A Board Member asked Mr. Mejia if he later learned what Mr. Hammond was doing out that night. Mr. Mejia said, "Yes, he went to go get a sandwich." A Board Member asked Mr. Mejia if he had been concerned that there was an eyewitness to the murder. Mr. Mejia stated that he told the woman not to say anything or he would burn her house down.

The Board questioned Mr. Mejia about his disciplinary history while incarcerated. Mr. Mejia estimated that he has received about 30 disciplinary reports. When asked what he believes is his most serious offense, Mr. Mejia described an incident where he assaulted a member of the prison staff in 2007. As a result of the attack, Mr. Mejia was placed in Department Disciplinary Unit (DDU) for three years and received a six month sentence. Mr. Mejia admitted that when he saw a corrections officer restraining an inmate, he tried to get the officer off of the inmate and began striking him. Looking back, Mr. Mejia is "ashamed" and realizes that the officer was "just trying to do his job."

Mr. Mejia said that he decided to change his behavior when he was out of DDU. He earned his GED in 2011 and soon committed himself to programming. He has participated in numerous programs, including Spanish United, a program which he both developed and implemented. A Board Member asked Mr. Mejia which program has been most useful to him. Mr. Mejia said that he has had a few that were helpful; including the Alternatives to Violence Program (AVP), which he said helped him work on "every angle," including improving his communication and listening skills. He no longer acts on impulse and now tries to figure out the other person's needs during a conflict. He also cited Victim Impact and Restorative Justice as particularly helpful, since these programs have helped Mr. Mejia stop blaming others for his own actions and have allowed him to see the effect of gun violence. In addition, Mr. Mejia meets with mental health clinicians and attends mental health programs, including Cognitive Behavioral Therapy.

Mr. Mejia's mother, sister, aunt, and cousin provided oral testimony in support of his parole being granted parole. Dr. Robert T. Kinscherff, a forensic psychologist, presented his findings from an evaluation of Mr. Mejia. Suffolk County Assistant District Attorney Patrick Haggan spoke in opposition to Mr. Mejia being granted parole. ADA Haggan also submitted a letter of opposition to the Board.

III. DECISION


The Board is of the opinion that Mr. Mejia needs a longer period of positive adjustment. He committed an egregious murder of an innocent citizen and remains a risk to public safety. The Board, however, recognizes his improved behavior and program involvement and hopes that Mr. Mejia will continue along this path.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

In forming this opinion, the Board has taken into consideration Mr. Mejia'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. Mejia's risk of recidivism. After applying this standard to the circumstances of Mr. Mejia's case, the Board is of the unanimous opinion that Mr. Mejia is not yet rehabilitated and, therefore, does not merit parole at this time. Mr. Mejia'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. Mejia 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

3/13/17
Date