



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

JOVAN BURTS
W81489

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **July 7, 2015**

DATE OF DECISION: **September 3, 2015**

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 is not a suitable candidate for parole. Parole is denied with a review in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 3, 2003, after a six day jury trial in Suffolk Superior Court, Jovan Burts was found guilty of second degree murder in the stabbing death of 15-year-old Cedric Ennis. Burts, age 22 at the time of the murder, was sentenced to life in prison with the possibility of parole after serving 15 years. His conviction was affirmed in *Commonwealth v. Jovan Burts*, 68 Mass. App. Ct. 684 (2007).

On August 5, 2000, at 2:30 am, 15-year-old Cedric Ennis and his friend were walking along Columbus Avenue in Boston. As they approached the intersection of Columbus Avenue and Centre Street, they observed two black males, one of whom was speaking to a woman in a car on Centre Street, and another who was standing several feet away (the second male was later identified as Jovan Burts). As Mr. Ennis and his friend turned onto Centre Street, they approached Burts. Mr. Ennis then asked Burts if he was from a certain housing development.

Burts responded in the negative, pulled out a folding knife, and then plunged the knife into Cedric Ennis' chest. Mr. Ennis and his friend ran down Amory Street. Burts ran after them, but stopped the pursuit after hearing a police siren. Mr. Ennis collapsed shortly thereafter. His friend carried Mr. Ennis to Columbus Avenue, where he knocked on doors for someone to call an ambulance. Mr. Ennis was transported to Brigham & Women's Hospital, where he was pronounced dead at approximately 3:00 am as a result of one stab wound to the chest.

Two individuals (who matched a police description of the males involved in the stabbing) were observed by a Boston Police officer going into the Bromley-Heath housing development. Police began canvassing the housing development and located Burts and his friend in his friend's bedroom. At the time they were initially questioned, Burts stated that they had been in that apartment since 11:00 pm the previous night. Further investigation, however, revealed that both Burts and his friend were outside the building near the scene of the attack. Burts was later identified as the individual who stabbed Cedric Ennis.

II. PAROLE HEARING ON JULY 7, 2015

On July 7, 2015, Jovan Burts appeared before the Parole Board for his initial hearing. He is currently 37-years-old and has been incarcerated for approximately 15 years. Burts did not have legal representation at this hearing. Burts provided an emotional opening statement in which he apologized to the victim's family "for the irreparable harm I've caused." He also apologized to his own family and to the community for his actions. Burts explained that "with the help of institutional programming, self-reflection, and maturity, I have transformed myself and will never commit a crime again."

Parole Board members focused extensively on the circumstances before, during, and after the murder. Burts described an incident that occurred after his first semester of college, when he returned home to Boston for a visit. Burts said that he was jumped by an individual who had bullied him for leaving the neighborhood and attending college. After this incident, Burts testified that he would always carry a knife "for a sense of protection" when spending time in certain Boston neighborhoods. At the time of the murder, Burts testified that he had recently completed his junior year at Hampton College in Virginia and had returned home to Massachusetts. He told the Board that he drank occasionally at college, attended parties and clubs, and had a declining GPA. However, he did not engage in criminal behavior. During the summer when the murder occurred, Burts testified that he was not employed and spent much of his time with his brother in the Heath Street housing developments.

Burts vaguely described his knowledge of gang activity during this time, despite testifying that he had spent several days per week in neighborhoods that were extremely gang-affiliated. He had originally testified that he was aware his brother was involved in criminal activity. Burts told the Board that he (Burts) did not engage in gang/criminal activity, but it was "possibly so" that other people he knew did when not around him. He also said that he was "vaguely aware of" individuals from the neighborhood who would sell drugs. When questioned by Board Members, Burts continued to say that he was not gang involved, but was aware of gang involvement around him.

Burts said that on the evening of the murder, his brother picked him up to run errands. He went to have his hair braided, but the woman who agreed to braid his hair was not at her home. Burts said that he eventually went to a nearby party, consumed one beer, and attempted to find someone to braid his hair (until around midnight). He then went to the Jackson Square T-stop at 12:20 am in an attempt to take the final train back to his home in the South End. After missing the last train, he returned to the party. At 1:30 am, Burts testified that he began walking around the neighborhood looking for his brother. He saw two individuals at the corner of a street and recognized one as his brother's friend. While interacting with these individuals, Burts testified that he saw two other individuals walking near him. The two individuals approached Burts and asked where he was from. Burts testified that one of the individuals accused him of being from Heath Street and threatened him by coming toward him. Burts testified that, "I back-peddled, I yelled for help, I pulled out a knife, turned around, and I stabbed Mr. Ennis." He testified that Mr. Ennis and the other individual then ran away. The Board commented on the discrepancy that the other individual identified Burts as the aggressor. Burts told the Board that he could not explain this discrepancy, but said "that's not what happened." One Parole Board member confronted Burts on why he had no knowledge of this dispute being precipitated by gang conflicts. He was questioned as to how he could be so oblivious to the gang culture given his relationships and frequent visits to gang inflected neighborhoods. This Board member relayed to Burts that his presentation of naivety with regards to the gang culture that existed, as well as his lack of affiliation, was not credulous.

With regards to his version of the offense, Burts told the Board that he initially denied his involvement in the incident when police questioned him. Burts said that he later discovered Mr. Ennis had died as a result of the stabbing and said that he "basically knew my life was over officially" at that point. When Burts was asked by Parole Board Members if he believed he acted in self-defense, Burts said that it was not self-defense, and that "I shouldn't have pulled out a knife" and "could have done anything besides commit an act of violence." Burts also admitted that it was a "self-perceived threat" because the two individuals did not present a weapon. Burts said he believed fear caused him to stab Mr. Ennis.

The Board commented on Burts' relatively exemplary institutional adjustment. When asked what Burts has learned from his incarceration, he testified that he learned "about myself" and how fear and worry played a major role in his life, which prompted him to carry a weapon. Burts identified several specific programs that have assisted him and provided him with the tools and skills to approach situations in a non-violent manner. A Board Member questioned Burts about his institutional work. Burts said that he has been a janitor for the past two years and has worked in culinary arts, but said that during the periods of time when he was unemployed, it was because he "didn't feel like working." Burts said that he would write, read, and play chess when not employed or involved in programming.

Burts recognized that he will need encouragement from his supporters, if paroled. He identified his expected challenges on parole as "not getting caught up in the moment" and "learning how to slow down in a fast-paced world." Burts described his parole plan as spending six months in a minimum security facility and six months in a pre-release setting. He would then live with his stepmother in Brockton and eventually move to Washington to live with his mother and stepfather. Burts said that he has communicated with several programs that assist parolees with employment opportunities. If paroled, Burts described returning to school to complete his degree, as well as receiving treatment for his Sickle Cell Anemia.

Five people spoke in support of parole for Burts. Burts' older stepbrother and his fiancé, his stepfather, his mother, and his friend all spoke to the Board in support of parole. Burts' stepbrother described Burts as someone who wanted to be involved, but was a "quiet kid" and was not welcomed by the other neighborhood kids due to his smaller size. Burts' other supporters spoke about his extensive support in the community and described how everyone would help Burts with employment, housing, staying busy, and church attendance, if paroled.

Assistant District Attorney Charles Bartoloni spoke in opposition to parole. ADA Bartoloni stated that Burts appears to be "a very good candidate" on paper, but that he does not appear to have "come to grips with what he did that night, fully and totally." ADA Bartoloni also commented on the inconsistencies in Burts' stories, including the extent of his gang involvement and certain details about Burts' description of the events of the murder. ADA Bartoloni highlighted that after Burts murdered a 15-year-old boy, he left the state to continue with his summer plans.

Burts provided a closing statement that said he takes "full responsibility for the murder." He testified that he has reflected on his actions and realized that he was consumed by fear during the time of the murder. Burts testified that institutional programming has taught him how to approach situations in a non-violent manner. He said that he is "deeply remorseful" and that "my life was never supposed to be like this." He concluded by apologizing to the Ennis family and asking for eventual forgiveness.

III. DECISION

Burts murdered Cedric Ennis in the early morning of August 5, 2000, in an altercation that was likely the result of conflicting gang affiliations. Burts was 22-years-old at the time of the murder and has been incarcerated for 15 years.

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." Applying that appropriately high standard, the Parole Board has decided by unanimous vote that Jovan Burts does not merit parole at this time. Burts has demonstrated positive growth; however, his lack of candor when describing his actions and knowledge of the gang culture that he was surrounded by, as well as his lack of understanding of the causative factors of his crime remain a significant concern to the Parole Board. The Board recognizes the exemplary institutional conduct that Burts has maintained throughout his incarceration, but feels that Burts has more work to do in terms of self-reflection regarding his violent behavior on the night of the murder. The review will be in two years, during which time Burts should focus on specific institutional programming to address his criminal thinking and the underlying reasons for committing the offense.

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.


Michael J. Callahan, General Counsel

September 2, 2015
Date