



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOVAN BURTS

W81489

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 6, 2017

DATE OF DECISION: May 15, 2018

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 the 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 a suitable candidate for parole. Parole is granted to a long term residential program/sober house with special conditions, after 12 months in lower security.

I. STATEMENT OF THE CASE

On March 3, 2003, after a 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. Mr. Burts, age 22 at the time of the murder, was sentenced to life in prison with the possibility of parole after serving 15 years.

On August 5, 2000, at 2:30 a.m., 15-year-old Cedric Ennis and another man were walking along Columbus Avenue in Boston. As they approached the intersection of Columbus Avenue and Centre Street, they observed two other men, 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 the man turned onto Centre Street, they approached Mr. Burts. Mr. Ennis then asked Mr. Burts whether he was from a certain housing development. Mr. Burts responded in the negative, pulled out a folding knife, and then

stabbed Cedric Ennis in the chest. Mr. Ennis and his friend ran toward Columbus Street. Mr. Ennis collapsed shortly thereafter. He was pronounced dead at approximately 3:00 am, as a result of one stab wound to the chest. Mr. Burts was later identified as the individual who stabbed Cedric Ennis.

II. PAROLE HEARING ON JULY 6, 2017

Mr. Burts, now 40-years-old, appeared before the Parole Board on July 6, 2017, for a review hearing. He was represented by Attorney John Fitzpatrick and Student Attorney Nicole Nelson of the Harvard Legal Assistance Project. Mr. Burts' initial hearing in 2015 resulted in a denial with a 2 year review. In his opening statement to the Board, Mr. Burts apologized to the family of the victim, his own family, the City of Boston, and the community. He also expressed his remorse for the murder of Mr. Ennis. Mr. Burts stated that he is "truly ashamed" of his actions and that, in the two years since his last hearing, he has had the opportunity of deeper self-reflection with the assistance of programming and counseling. Mr. Burts also acknowledged the Board's concerns regarding his lack of candor at his prior hearing, to the extent of his affiliation with gang members. Mr. Burts explained that although he was never a gang member, he was influenced by "gang culture." He believes this resulted from his insecurities as a teenager, having been bullied and ridiculed. He explained that after he was "jumped" by nine individuals, he started carrying a weapon for protection. Student Attorney Nelson also spoke, giving the Board an account of Mr. Burts' childhood and his progress while incarcerated. In addition, she addressed the concerns of the Board at the prior review hearing.

The Board addressed their concerns regarding Mr. Burts' candor and honesty and questioned him about the events of his life at the time the crime occurred. At the time of the murder, Mr. Burts had recently completed his junior year at Hampton College in Virginia and had returned home to Massachusetts for the summer. During that summer, Mr. Burts was not employed and had spent much of his time with his half-brother in Bromley-Heath. Mr. Burts explained that he lived his life in two worlds, one consisting of school and academia, and the other consisting of neighborhood friends and a half-brother (who was a gang member in Bromley-Heath). Mr. Burts explained that although he was dedicated to his schooling, he looked up to his half-brother, who was ultimately a negative influence in his life. Mr. Burts indicated that, while he was never a gang member, he had observed gang activity in the neighborhood.

The Board noted that Mr. Burts has been an exemplary inmate. Mr. Burts indicated that he was able to stay out of trouble during his incarceration through institutional programming, "staying positive," not associating with the "wrong people," and gaining the tools and skills to deal with conflict. The Board also noted that Mr. Burts appears to have a good support network. Mr. Burts indicated that his greatest supporter has been his mother, with whom he speaks to almost every day. Over the past two years, Mr. Burts has participated in numerous programs, including Advanced Emotional Awareness (which Mr. Burts indicated was the most helpful). He is approximately 17 credits away from earning his bachelor's degree, and he hopes to return to school to study English and become a writer. Mr. Burts has suffered from sickle cell anemia since he was a child. Over the past two years Mr. Burts has had to leave the institution on several occasions to obtain treatment for this illness.

The Board considered the testimony of Mr. Burts' mother, his friend, and a representative of the Partakers Program, all of whom expressed support for parole. The Board also considered testimony of Suffolk County Assistant District Attorney Mark Lee and Retired Boston Police Officer Robert Harrington, both of whom opposed the release of Mr. Burts.

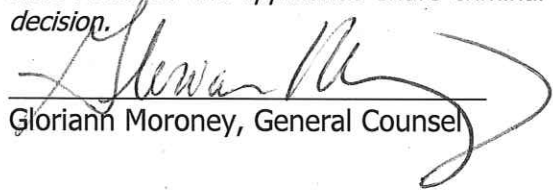
III. DECISION

The Board is of the opinion that Jovan Burts has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. Mr. Burts has maintained a positive deportment and has continued to engage in meaningful programming. Incarceration has served its purpose. Release after a gradual transition meets the legal standard.

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. Burts' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Burts' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Burts' case, the Board is of the unanimous opinion that Mr. Burts merits parole at this time. Parole is granted to a long term residential program/sober house with special conditions, after 12 months in lower security.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program (LTRP)/2 weeks; Electronic monitoring for 6 months, then at PO's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact w/victim's family; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition; Long term residential treatment/ sober house.

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

5/15/18
Date