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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

LAJUAN MELTON
W84006

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 28, 2015

DATE OF DECISION: August 5, 2015

PARTICIPATING BOARD MEMBERS: Dr. 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 writing, we conclude by a unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to an approved home plan with special conditions, after successful adjustment to one year in lower security.

I. STATEMENT OF THE CASE

On September 30, 1999, after a jury trial in Plymouth Superior Court, Lajuan Melton was convicted of second degree murder for the killing of Alexander Colon, age 20. Melton was sentenced to life in prison, which was ordered to run from and after several consecutive sentences he was then serving.¹

¹ On July 21, 1998, Melton was sentenced in Brockton District Court to five consecutive two year terms in the Plymouth County House of Correction. Melton was convicted of assault with a dangerous weapon, the unlawful carrying of a firearm, and malicious damage to a motor vehicle. These charges arose from events occurring on April 1, 1998. As a result of this sentence structure, where his life sentence was ordered to run consecutive to these sentences, Melton received an aggregated parole eligibility date of July 20, 2015.

The facts of the decision are derived, in part, from the Brief and Appendix for the Commonwealth on Defendant's appeal.² On March 31, 1998, Melton, age 18, and a co-defendant, Donald Averett,³ were standing on Warren Street in Brockton. At approximately 6:30 pm, Alexander Colon was traveling in the passenger seat of a black Honda Civic driven by Claudio Miranda. Two other men sat in the back seat. When Miranda drove the vehicle past Melton and Averett, he heard gunshots. Miranda then turned a corner and drove away. After fleeing the area, Colon told Miranda that he had been shot, so Miranda then brought him to Brockton Hospital. As they arrived at the hospital, two passengers from the Honda pulled Colon from the vehicle and left him with paramedics from an ambulance that was also arriving at the hospital.⁴ When the men pulled Colon from the vehicle, he appeared to be lifeless. Colon sustained a gunshot wound to his upper left mid-back, which fractured his left rib and lacerated two major blood vessels to his left lung. Despite extensive surgical intervention, Colon died the following day on April 1, 1998.

Miranda had taken the vehicle he was driving for repair, as half of the back window was shot out. The repair shop contacted police who, after conducting a search, determined that there were several bullet holes in the vehicle. Melton, upon questioning by police, admitted that he and Averett shot at the vehicle and blew out the back window. Melton had a Glock nine millimeter weapon and admitted that he shot at the car twice. Averett had his own weapon. Melton believed the people in Miranda's vehicle had shot at him previously.

II. PAROLE HEARING ON APRIL 28, 2015

Lajuan Melton, now 35-years-old, appeared before the Parole Board for his initial parole hearing. Melton has been incarcerated for 17 years. In his opening remarks, Melton began by apologizing to the victim's family. He admitted to firing two shots from a nine millimeter handgun into a black Honda Civic on the night of March 31, 1998, which resulted in the death of Alexander Colon. Melton stated that he did not know Mr. Colon, but believed that Edison Miranda⁵ was also in the vehicle and armed with a gun.⁶ Melton confirmed that he initially lied to the investigating officers about his role in the offense and had identified two other individuals as the shooter before he finally confessed. Melton then informed the Board of the precipitating factors that led to his criminal behavior and of his rehabilitative efforts during his incarceration.

The Parole Board reviewed pertinent information with Melton regarding his childhood, given that he was 18-years-old when he committed this offense. Melton described a childhood in a single-parent household with a mother who "did the best she could." Due to the influence of drugs and violence that plagued his childhood neighborhood, his mother relocated him and his brother to the Brockton area. During that period of time, Melton described himself as "a

² Melton appealed his conviction, arguing that the trial court committed several errors, including that his statements to police were not admissible. The Appeals Court affirmed his conviction. Commonwealth v. Melton, 59 Mass. App.Ct. 1111 (2003) (unpublished).

³ Averett was tried separately and acquitted.

⁴ There was a warrant out for one of the two men in the back seat.

⁵ According to a filing by the prosecution, Edison Miranda is no relation to Claudio Miranda.

⁶ There was no evidence that the victim or anyone else in the car was armed at the time of the shooting.

disobedient and deviant young man." He informed the Board that as he began to "hangout with the older crowd and venture towards the negative lifestyle," he became involved with the criminal justice system, resulting in commitment to the Department of Youth Services (DYS). Despite his commitment to DHS, he continued his criminal activity and became a "self-employed drug dealer," who sporadically attended school until he dropped out in the eleventh grade. He stated that there were no positive male role models in his life, as his father had resided out-of-state and did not "have time" for him. At age 17, he moved out of his mother's home to reside with his pregnant girlfriend.

Melton informed the Board that he made many "poor decisions" at the time of the shooting; he smoked marijuana daily, sold drugs, drank liquor with his older friends, and engaged in criminal behavior. He noted throughout the hearing that he makes no excuse for his poor decisions. In fact, he stated, "I do not blame anyone...being incarcerated has made me see how selfish I was and how I took everyone and every issue in my life for granted, I was self-absorbed." Melton advised that he is no longer a self-absorbed teenager, but a young man ready to become a "productive citizen," as evidenced by his commitment to rehabilitation.

The Board questioned Melton on his degree of rehabilitation, as well as why he merits parole. Melton stated that, over all, he has had a positive institutional adjustment. He has incurred 10 disciplinary reports to date, with the last being issued on March 19, 2014 for possession of packing tape. His transformation through programming began in 2001, when he completed an Active Parenting class. He continued on to obtain his high school equivalency in 2007. He also completed Alternatives to Violence (both Basic and Advanced) in 2007, 2010, and 2011, where he was able to identify his triggers for anger and better understand that his anger stemmed from "feelings of abandonment" by his father. Melton also learned that he was responsible for his own actions, which resulted in "making amends" with his father prior to his father's death in 2007. Additionally, Melton has obtained employment skills. He completed the 1,000 hours of Barber training and obtained his SERVE-Safe certification. He is currently in the Cadre Program at Bridgewater State Hospital, where he has been employed for the last four years with positive reviews. Melton has also completed the Correctional Recovery Academy and SMART Recovery to address his issues with substance abuse.

Melton outlined a comprehensive parole release plan that includes a gradual step-down, through the Department of Correction, in order to slowly re-integrate back into the community. He proposed a structured housing plan, where he will avail himself of the career planning resources to obtain full-time employment. He hopes to eventually work with troubled youth.

Members of Melton's family spoke in support of parole and included his mother, aunt, sister, godmother, and the mother of his child. Each family member commented on Melton's different "mindset" and noted his positive attitude, as well as stating their commitment to support him in the community. His aunt testified that her husband is a pastor associated with Teen Challenge and both are willing to provide a residence and financial support to Melton.

Assistant District Attorney Julia Holler from the Office of the District Attorney for the Cape & Islands⁷ testified in opposition to parole,⁸ citing the offense as an "unprovoked

⁷ The Board notified the Plymouth County District Attorney's Office, which is the county in which the sentence was imposed. For the purposes of the parole hearing, the Office of the District Attorney for the Cape & Islands acted as a special prosecutor for Plymouth County due to a conflict.

shooting." The victim's father was unable to attend the hearing, but informed the Board that his family was devastated by the murder and does not believe the inmate should be released on parole.

III. DECISION

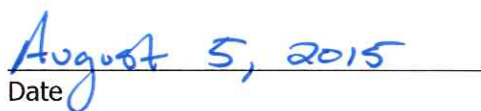
Lajuan Melton committed a senseless murder when he was 18-years-old. At that time, Melton was self-centered and criminally involved. He made poor decisions that ultimately resulted in the shooting of Mr. Colon, a man he did not know. However, the most important criteria in the analysis of parole suitability concerns whether Melton meets the legal standard. The Parole Board regards Melton's efforts in rehabilitation to be both genuine and beneficial. Melton has demonstrated through his conduct, his insight, and his family support that he has secured the foundation necessary for a successful transition back into society.

The standard we apply in assessing candidates for parole is set out in 120 CMR Sec. 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 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." By statute, granting of parole is accomplished only when the Board Members, by a two-thirds majority, vote to grant parole. 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 writing, we conclude by a unanimous vote that Lajuan Melton meets the legal standard for parole.

SPECIAL CONDITIONS: Reserve to his approved home plan after one year in lower security; Waive work for two weeks; No drug use or alcohol use with testing for compliance in accordance with agency policy; One-on-one counseling to address adjustment and transition; GPS monitoring at the discretion of the Parole Officer; Curfew set at the Parole Officer's discretion; No contact with the victim's family; and Report to Parole Office on the day of release.

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


Date

⁸ It was entirely appropriate for the District Attorney to offer testimony at this hearing. In addition to being a public hearing, the Board's regulations at 120 CMR 301.06(4)(g) provide that public officials of the Commonwealth may offer evidence and testimony in rebuttal or supplementation of any relevant issue raised during the consideration of parole at hearings for life sentence inmates.