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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION
IN THE MATTER OF
MARK JONES

W39169

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **June 2, 2015**

DATE OF DECISION: **July 22, 2015**

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

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, 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. Re-parole is granted to the Delancey Street Foundation program in New York via Interstate Compact, with special conditions.

I. STATEMENT OF THE CASE

(The following information is taken from Jones v. Maloney, 655 F.Supp. 146 (1986))

On September 10, 1982, a Suffolk Superior Court jury found Mark Jones guilty of second degree murder, stemming from the shooting death of Brian Cropper by Jones' juvenile co-defendant.¹ The underlying facts are as follows: On November 1, 1981, 19-year-old Jones was in the company of a 16-year-old friend when they encountered Brian Cropper, age 17, and his friend on Warren Street in Roxbury, Massachusetts. Upon seeing Cropper, Jones asked Cropper to "come over." When Cropper and his friend walked up to Jones and the juvenile, Jones snatched some gold chains from Cropper's neck and took money from Cropper's pocket. An altercation ensued, and Jones and the juvenile ran from the scene. Cropper drew a machete from his gym bag and gave chase. When the two realized that Cropper was chasing after

¹ Jones was convicted under a joint venture theory. His 16-year-old juvenile co-defendant was the actual shooter. The juvenile was not tried as an adult, but was adjudicated delinquent and committed to the Department of Youth Services.

them, Jones stated to his co-defendant, "Give me the [expletive] gun!" The juvenile co-defendant replied, "I got it. I got it!" As the juvenile pointed the gun at Cropper, Cropper dropped the machete and turned to flee. The juvenile then shot Cropper in the back.² Cropper died as a result of the gunshot wound.

II. PAROLE HISTORY

Jones first appeared before the Parole Board on September 19, 1997, after which he was denied parole with a review in three years. Jones next appeared before the Board for a review hearing on September 18, 2000. The Board voted to parole Jones upon completion of two years in pre-release. After fulfilling the Board's prescription, Jones was paroled on June 6, 2002. On June 11, 2003, Jones was returned to custody after being charged with threats and assault and battery by dangerous weapon for allegedly hitting his cousin in the head with a rock, during a dispute following a basketball game.³ A year later, on June 3, 2004, all charges were dismissed. On July 20, 2006, following a review hearing, the Parole Board voted to re-parole Jones to a long term residential program.

On January 4, 2007, Jones was paroled to East Boston Rehab. However, on September 8, 2008, Jones' parole was revoked for irresponsible conduct when his wife informed his parole officer that he had punched her in the stomach.⁴ However, Jones' wife recanted her story and did not seek a restraining order. No criminal charges were filed against Jones. Therefore, the Parole Board voted not to affirm the revocation, and Jones was released on January 15, 2009.

On November 25, 2009, Parole received information that Jones was abusing his wife and using cocaine. On December 10, 2009, he tested positive for marijuana and was placed on final warning status. On December 30, 2009, Jones went to his wife's home and punctured the tires of a vehicle he owned, but had been letting his wife use. He also attempted to remove the license plates. The police were called, but because the vehicle was registered and insured in Jones' name only, no charges were brought against him. Jones was instructed by Parole to have no contact with his wife. However, Jones was returned to custody on January 5, 2010, after his wife reported that on January 2, 2010, he made 22 telephone calls to her place of employment looking to speak with her. The Parole Board affirmed the revocation in March 2010 and held a parole review hearing on June 8, 2010. On June 15, 2010, the Board issued a decision that denied parole and set a five year review, noting that Jones "took no responsibility for his irresponsible actions, placing much of the blame on others."

² The Parole Board's prior Records of Decision for Mark Jones (issued on July 20, 2006 and June 15, 2010) incorrectly state that Jones was the one who shot Brain Cropper. Information from the District Attorney's Office and state and federal court documents show that Jones was not the shooter. Rather, his juvenile co-defendant was the one who shot the victim.

³ Jones reported that the injury to his cousin's head was the result of Jones elbowing his cousin in the head during the basketball game.

⁴ Jones and his wife have since divorced.

III. PAROLE HEARING ON JUNE 2, 2015

Jones, age 53, appeared before the Parole Board for a parole hearing on June 2, 2015, after having been returned to custody for over five years. Jones seeks parole to the Delancey Street Foundation in New York. He said it is a two-year highly structured residential program that will teach him how to rebuild his life so that he can have a "fresh start." Jones was very forthright in addressing the Parole Board's concerns. He said that he was ashamed to be back before the Board, after being paroled twice before. He admitted to making poor choices on his previous paroles, and said that he has made a commitment to bettering himself and becoming more positive since his return to custody in 2010.

Since being returned to custody, Jones has incurred three relatively minor disciplinary reports, including possession of poker chips in 2011, having an undocumented tattoo in 2012, and lying to a correction officer in 2014. He completed a significant amount of rehabilitative programs, including: Correctional Recovery Academy (CRA), Using Self Control, Active Listening Workshop, Menswork, Setting Goals Workshop, Criminal Thinking Program, Coping Skills, Health Awareness Education, Alternatives to Violence (Facilitator), and the Medical Companion/Environmental Cleaner Program. Jones openly admitted that he smoked marijuana three times while on parole, even though he "only got caught once." Upon being returned to custody, he entered the CRA program to address this issue. There, he learned "a better way to think and act" in dealing with addiction.

Jones identified the other rehabilitative programs he undertook and completed over the past five years and described how they aided him in becoming more empathic and "less judgmental." He gave a detailed account of his involvement in the facility's Companion Program, which he describes as "a program designed to help the aging inmate population who have geriatric concerns like dementia, hospice needs," and so forth. He said that he has been involved in the program for over two years and has learned how to control his temper and be more compassionate.

Jones also discussed his past failed relationships and seems to have gained a deeper insight into the reasons. He noted that he had a "bad mouth" and was unfaithful and emotionally abusive in his last marriage, but did not "physically abuse." He had an unsteady relationship with his last wife because he engaged in multiple extramarital affairs, stemming from his job as a cab driver. Jones denied ever stalking his ex-wife and explained that he called her job multiple times on January 2, 2010 because "I was trying to reach her, and I didn't know she had taken the day off." He said that he slashed the tires of their vehicle because he was the lawful owner and she had been hiding it from him. This occurred after a dispute over his failure to return to live with her, which his parole officer forbade him from doing.⁵ In reflecting on his past relationship failures, Jones observed that he got involved "too quickly" and never took the opportunity to get to know the woman before "getting intimate."

Jones said that he sought mental health counseling and was referred to the Coping Skills program, which has taught him how to deal with anger and a host of other issues. If re-

⁵ On June 17, 2009, a case conference was held after Jones and his wife reportedly experienced "irreconcilable differences" in May 2009. At that time, Jones was ordered out of the house and he then moved in with his sister.

paroled to the community, he would like to engage in counseling to help him adjust to community life and "deprogram from prison life."

No one appeared at the hearing in support of Jones' parole, nor did anyone appear in opposition. Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter of opposition, citing Jones' prior parole failures.

IV. DECISION

Mark Jones ignored important requirements of community supervision with such irresponsible conduct as marijuana use, involvement in unstable domestic relationships, and failure to obey and be honest with his parole officer. Since his return to custody, however, he has spent the last five years addressing his past failures through intensive rehabilitative programming. It appears from his presentation at the hearing and from his overall conduct in the past five years, that Jones has benefitted from programming and has developed a deeper insight into his risk factors and how to address them. Re-incarceration has served its purpose. It is the view of this Board that Jones has demonstrated that he now has the aptitude to lead a productive and law abiding life in the community, and is deserving of another opportunity for parole.

The standard we apply in assessing candidates 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 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 here, the Parole Board grants parole to the Delancey Street Foundation program in New York via Interstate Compact.

SPECIAL CONDITIONS: Release to the Interstate Compact with New York for parole to the Delancey Street Foundation program in New York; Waive work for the duration of the long term residential treatment program; Curfew of 10 pm to 6 am or at the discretion of the parole officer; No drug or alcohol use, with testing in accordance with agency policy; Counseling for anger and adjustment; Attend AA or NA at least three times per week; No contact with victim's family; No contact or association with ex-wife.

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

July 22, 2015
Date