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Executive Office of Public Safety

PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

MICHAEL JONES

W34743

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: November 29, 2011

DATE OF DECISION: May 29, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Sheila Dupre, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, prior criminal history, Mr. Jones's institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF FACTS

A. Initial Sentence

On March 14, 1974 at approximately 1:00 a.m. Elizabeth Kamman picked up her friend Richard Eckman, age 23, from his employment, to drive him home. While she and Mr. Eckman were stopped at a traffic light in Kenmore Square, Ms. Kamman offered a ride to an unknown man who was hitchhiking. That man was later identified as Michael Jones. Mr. Jones climbed into the back seat and as Ms. Kamman proceeded to drive, he pulled out a handgun and demanded Ms. Eckman drive in various directions, and that both she and Mr. Eckman hand over all of their money. Mr. Jones held the gun to Mr. Eckman's head threatening to kill him and threatened to kill Ms. Kamman when he was "done." The sum total of their money was \$25. He also stated to Ms. Kamman to "say your prayers." Fearing that Mr. Jones would make good on his threats, Ms. Kamman made a decision to swerve her vehicle into the other lane and purposely collided with another vehicle in hopes that Mr. Jones would flee. Following the

collision, Ms. Kamman heard two or three shots being fired, and saw Mr. Eckman slump forward in the vehicle. Mr. Jones quickly exited the vehicle and ran.

Following a police broadcast, Mr. Jones, age 20, was apprehended and returned to the scene of the crime. He was identified by Ms. Kamman as the man who robbed and shot Mr. Eckman to death.

Mr. Jones pled guilty in Suffolk Superior Court on November 6, 1974 to the second degree murder of Richard Eckman. On the same date Mr. Jones received concurrent sentences of 18 to 20 years for armed robbery (two counts), 8 to 10 years for kidnapping (2 counts), and 4 to 5 years for possession of a firearm.

B. Crime on Parole

On June 29, 2005 at approximately 10:21pm the Lexington Police responded to an alarm at a convenience store on Massachusetts Avenue. At the rear of the building, in an unlit parking lot, police found Mr. Jones standing beside the rear door with a yellow metal pry bar at his feet. He reported that he needed to urinate and wanted to see if the store was open so that he could use the bathroom. The police matched the pry bar that Mr. Jones was carrying to damage to the store door and they also noticed blood on the wall beside the door. Mr. Jones was observed to have cut knuckles. Based on the evidence he was placed into custody and was initially charged with attempted breaking and entering at night, possession of burglarious tools, and malicious destruction of property. Mr. Jones pled guilty to possession of burglarious tools and attempts to commit a crime.

II. PAROLE HISTORY

Mr. Jones received parole following his initial eligibility hearing on February 6, 1989. He was paroled to an approved home plan with standard conditions of supervision. The board noted his extremely positive adjustment and his excellent insight as reasons for his parole. Mr. Jones was released on March 24, 1989.

On July 14, 2005, he was returned to custody following his arrest for possession of burglarious tools and attempts to commit a crime. On October 25, 2005 Mr. Jones pled guilty in Middlesex Superior Court to those offenses and was sentenced to 1 to 2 years.

Mr. Jones waived his final revocation hearing. The Board voted to affirm the revocation on June 15, 2006 and he was placed on the next available list for a review hearing. On April 30, 2007, the board voted to grant Mr. Jones another parole permit. At his hearing Mr. Jones stated that he had hurt his back and, being unable to work, he became increasingly depressed. He stated he was advised to see a psychiatrist by his parole officer, and did so; however he reports he was prescribed various medications which led to a relapse. On the day of his arrest he reported that he was under the influence of marijuana and prescription medication. Mr. Jones agreed that he was in need of further addictions treatment. The Board voted to release Mr. Jones to the Bridge House, which is a long term program focusing on addiction, and included a condition of continued mental health counseling.

Mr. Jones re-parole was not without incident. He received verbal reminders to pay his supervision fee but was not violated. On 8/04/2008, Mr. Jones was given a verbal warning for missing counseling appointments. According to his parole officer, during this meeting he was argumentative regarding concerns with his missed counseling appointments. On 8/18/2008, he was given a graduated sanction, extending ELMO (monitoring system). On 9/11/2008, he was

again directed to pay supervision fees that were 3 months in arrears, but stated "that's impossible." He was directed to provide a payment plan. He received a graduated sanction on 9/15/2008 for failure to pay his fees. On 6/16/2009, Mr. Jones was again given a letter from Parole that he was in arrears for supervision fees. He also reported that he was prescribed pain medication and he finished the prescription. His parole officer was unaware that he was prescribed this medication. On 10/19/2009, Mr. Jones tested positive for marijuana, which he initially denied, then later admitted to having used marijuana. He also admitted to drinking bleach as an attempt to alter the sample, and received another graduated sanction. On 6/30/2010 and 7/1/2010 Mr. Jones again tested positive for marijuana. He was given a final warning and ordered to participate in outpatient counseling at the Genesis program for addictions. Subject was also given a warning for multiple absences from work and not providing documentation.

On 9/23/2010, subject reported taking pain medication for an injured hand. He did not report the injury to parole before taking the medication. He was instructed to present directly to the parole office, but instead he admits to going to CVS where he purchased a drug testing kit so that he could first check the results of his toxic screen. When he reported to Parole, his urine screen appeared positive for marijuana, but he insisted he did not smoke marijuana. He later admitted abusing marijuana and the hearing process was initiated for this new violation. Mr. Jones was returned to custody on 11/3/2010.

III. INSTITUTIONAL ADJUSTMENT

Mr. Jones received seven major disciplinary reports during his first fifteen years of incarceration on his life sentence. Of those disciplinary reports, four were for marijuana use, one for possession of an unauthorized substance, one for failing to call in from furlough and one for cashing paychecks without permission. He had no returns to higher custody.

After serving an initial five years, Mr. Jones was involved with the furlough program and worked at the Walter Fernald State School. He was transferred to Boston State Pre-Release in September 1987 where he worked as a mechanical engineer at the Howard Johnson's Hotel in Newton Massachusetts. His pre-release adjustment was described as "exemplary."

Since his return to custody, Mr. Jones has participated in Narcotics Anonymous meetings and the Correctional Recovery Academy. He also participates in counseling; however, he is not considered an open mental health case. According to institutional mental health records, Mr. Jones has not been diagnosed with any mental illness. He has incurred one minor disciplinary report.

IV. DECISION

Mr. Jones was questioned by the Board regarding his version of the governing offense (murder), crimes on parole and his overall parole history. During a lengthy parole hearing, Mr. Jones presented with changing versions and contradictory statements as questions were repeated for clarification. As the hearing progressed, he appeared to reinvent himself as he attempted to provide answers he assumed would be most acceptable, rather than providing an accurate response. This made it very difficult to assess Mr. Jones's level of insight, treatment needs and his commitment to parole.

Regarding the shooting death of Mr. Eckman, Mr. Jones maintained that he fired the gun unintentionally. The evidence does not support the inmate's self-serving statement. Mr. Jones repeatedly threatened to kill both victims, even after the money was surrendered, and he

fired multiple times. The details he provided were vague, but after questioning by the board, he ultimately did not dispute the facts presented to him.

Regarding the crime on parole, consisting of breaking and entering, Mr. Jones reports that he was significantly depressed after a back injury prevented him from working. He was prescribed addictive medications that he did not report to parole and began abusing them as well as marijuana. Mr. Jones reported that he had little recollection of trying to break into the store, but insists he had no intention of committing a crime.

During his second parole opportunity, Mr. Jones again resumed his same behavior of deceit. He routinely lied to his parole officer about his marijuana abuse, hid his use of prescription medications, and was in violation of other conditions, such as absenteeism from his employment and supervision fees numerous times. He was difficult to supervise and was given graduated sanctions, including a monitoring system and increased treatment to address his needs. Mr. Jones, however, continued to violate these conditions.

During the hearing, Mr. Jones appeared to vacillate between blaming his substance abuse for his failure and minimizing the extent of his drug abuse. Mr. Jones ultimately stated, "When I use drugs, I commit crimes, and I drive. I can't control my drug abuse. I can hide it, but not control it." Mr. Jones, however, failed to appreciate that parole was unaware of his drug abuse, due to his efforts to conceal it and deny it instead of requesting help. He also failed to appreciate the danger he presented to the public.

Mr. Jones has a history of addiction, starting with marijuana, since age 12. He now reports that he only recently came to appreciate how serious his addiction is, including marijuana. As indicated, his early institutional adjustment included abuse of marijuana while in prison, and throughout his parole history. Parole made numerous attempts to help Mr. Jones with his addiction and his mental health needs. Mr. Jones committed a murder related to his addiction and a crime on parole related to his addiction. All treatment opportunities were extended to Mr. Jones while he was on parole; however, not only did he continue to abuse substances, he lied to parole, did not ask for continued help and waited until he was caught. Parole extended all available help and support to Mr. Jones before revoking his parole permits. His behavior placed the public at continued risk.

Although Mr. Jones presented several letters of support from family and friends as well as testimony from his fiancé Enid Rothwell, his multiple parole failures are replete with deceit despite all the support and treatment opportunities that were available to him. He proved to be a poor candidate for parole supervision. It is the unanimous decision of the parole board that Mr. Jones' parole be denied with a review hearing in five years. Mr. Jones will likely re-offend if released on parole and his release is not compatible with the welfare of society. Mr. Jones was encouraged by the Parole Board to focus on continued rehabilitation.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Caitlin E. Casey, Chief of Staff


Date