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**PAROLE BOARD**

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**DECISION**

**IN THE MATTER OF**

**PRINCE MOSES**  
**W64524**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** October 30, 2014

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

**PARTICIPATING BOARD MEMBERS:** Ina Howard-Hogan, 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, age of the inmate at the time of 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 unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to the Brooke House upon completion of his from and after sentence and after nine months in pre-release, during which time Prince Moses must complete ABLE Minds and remain disciplinary report free.

**I. STATEMENT OF THE CASE**

On April 23, 1998, after a jury trial in Suffolk County Superior Court, Prince Moses was found guilty of first degree murder and was sentenced to life imprisonment without the possibility of parole. On that same date, he was also found guilty of possession of a firearm and was given a four to five year consecutive sentence. He was also sentenced to a six month House of Correction sentence for possession of ammunition, which was ordered to run concurrently with the life sentence.

On July 9, 2000, in Worcester Superior Court Moses pleaded guilty to assault and battery on a corrections officer and received a one year sentence to be served from and after his life sentence.

On December 24, 2013, the Massachusetts Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013) in which the Court determined that the statutory provisions mandating life without the possibility of parole were invalid as applied to those, like Prince Moses, who were juveniles when they committed first degree murder. The SJC ordered that affected inmates receive a parole hearing after serving 15 years. Accordingly, Moses became eligible for parole and is now before the Board for an initial hearing.

On February 5, 1996, Godfrey Jenkins and Kenneth Wallace spent much of the evening at the apartment of Jenkins' sister, Michelle Jenkins, in the Dorchester section of Boston playing video games, listening to music, and drinking beer. Later, both men decided to go to Moses' apartment in the Roxbury section of Boston, where Jenkins planned to purchase a "quarter" (\$250 worth) of crack cocaine. Wallace had known Prince Moses for two or three years. Carlos Gonzalez (Michelle's boyfriend) drove them and waited in the car while Jenkins and Wallace went to meet Moses. Jenkins gave Moses \$250 for a "quarter" of crack cocaine. Moses said they would have to wait because he needed to page someone.

Wallace and Jenkins waited for Moses downstairs in a glass enclosed catwalk. After waiting twenty minutes, they returned to the apartment and Jenkins knocked on the door again. Moses' sister answered the door and told them that Moses was not there. They returned to the catwalk and continued to wait. After another twenty minutes, they tried (unsuccessfully) to page Moses. They returned to Moses' apartment and knocked on the door again. Moses' sister answered and told Jenkins that his business with Moses did not concern her and that he should stop knocking because there were children in the apartment. They returned to the catwalk to wait. Gonzalez eventually grew tired of waiting and left. Wallace and Jenkins again returned to Moses' apartment and Jenkins knocked on the door. Moses came to the door and told Wallace and Jenkins to wait downstairs and he would be out.

Moses had become increasingly upset by Jenkins' insistence. He retrieved a semiautomatic .22 caliber pistol from his room, changed his clothes, and said, "He's not going to come here disrespecting my house like that. I'm gonna take care of him. I'm going to shoot him." Moses went to the opposite end of the hallway leading to the catwalk and called to Wallace. As Wallace approached, he saw that Moses was carrying a .22 caliber Luger pistol that he had previously shown to him. Wallace "froze" and Moses told him to step aside and raised the gun. On seeing this, Jenkins raised his hands and said, "All I want is my money back." He repeated his plea two or three times. Moses then fired at least seven shots at Jenkins, hitting him four times. Two wounds were potentially fatal.

Wallace ran to his aunt's nearby apartment. He told his cousin that Moses had just shot Jenkins and he telephoned for an ambulance. Police and emergency personnel arrived shortly thereafter and found Jenkins lying in the hallway in pain. He was frightened and bleeding and asking for oxygen. An emergency medical technician frisked Jenkins for weapons, but she found none. Jenkins asked her if he were going to die. She told him that it did not look good and that if he had something to say, he should say it. Jenkins said that "Prince" shot him. Jenkins was taken to Boston City Hospital, where he underwent surgery. He died the next day.



At trial, Moses admitted that he shot Jenkins, but claimed that he had acted in self-defense. He said that after Jenkins brandished a gun in the hallway and attempted to rob him, he (Moses) then pulled his gun. He claimed that Jenkins then started shooting at him and he returned the fire. Moses claimed that Wallace took Jenkins' gun and they both fled.

## **II. PAROLE HEARING ON OCTOBER 30, 2014**

Attorney Patricia Garin represented Moses at the hearing. Moses provided an opening statement in which he apologized to Mr. Jenkin's family and the community, as well as for initially misrepresenting the facts of the case seeking to blame Mr. Jenkins. Moses stated that the death of Mr. Jenkins was entirely his responsibility. Moses described the murder of Mr. Jenkins in details that were consistent with the known facts of the case. He did not minimize his actions, nor did he assign blame to any other individual. The Parole Board was most interested in learning from Moses about the precipitants that led to his criminal lifestyle and the shooting death of Mr. Jenkins.

Moses provided a history of his childhood experiences and how his criminal lifestyle and thinking was formed. Moses was articulate in explaining how his experiences and self-perception at that time led to his careless and reckless behaviors. He recalled being hospitalized at a very young age for behavioral and emotional reasons. He interpreted his hospitalization as further confirmation that his mother did not love him and that his father, who had already abandoned him, was never coming back. Moses has since learned that he was treated for significant depression and anxiety while hospitalized. He has also since learned that he struggled with cognitive issues and that many of his issues stemmed from probable fetal alcohol syndrome.

Moses also recalled living in a chaotic environment with numerous relatives sharing a small apartment. There were as many as sixteen people sharing a four bedroom apartment, thus he had no personal space and recalls feeling hungry and alone. He stated that he had five older siblings who all had different fathers, as well as a half-brother (whom he admired most) that introduced him to criminal behavior. At the age of 11, Moses found this same half-brother lying in the hallway outside their apartment. He was suffering from a gunshot wound and was later found guilty of second degree murder.

Moses also recalls that his mother was abusive and struggled with alcoholism. He stated that, by 12 years-old, he was smoking marijuana and engaging in criminal behavior and had little (if any) parental supervision or positive role models. He dropped out of school and supported himself by dealing drugs. Moses stated he was arrested numerous times as a juvenile and sent to the Department of Youth Services (DYS); however, he was not deterred from further criminal behavior and he did not accept any help during these periods of detention. Soon after his last discharge from DYS, Moses committed the murder of Mr. Jenkins. As he reflected on his life, he now sees that he was an angry and depressed young man without any direction or belief that his life could be better. Moses conveyed that after being convicted of first degree murder, his feelings about himself and his future became even more negative.

Moses was questioned at length about his institutional record and his rehabilitation. He described his disciplinary issues, with the most serious occurring in 1999 when he assaulted a Corrections Officer. Moses spent four years in the disciplinary detention unit (DDU) for this



offense. While in the DDU, Moses slowly began to see that he needed to make changes in his life. After being released from the DDU, Moses began to attend Nation of Islam services and has been a dedicated member of this faith since approximately 2004. He described how his faith has helped shape his character and self-discipline, as well as his overall rehabilitation. He also recently obtained his GED and is currently enrolled in college prep courses.

Moses spoke about his investment in his education and his sobriety. He spoke of the additional programs that have addressed his emotional well-being and provided him with skills to resolve conflicts in a non-violent way. He stated that (in Violence Reduction) he learned about how his chaotic household led him to feel angry and detached from other family members and how "it made me act out. I was just angry at the whole situation." He stated that he felt like no one wanted him around. Moses stated that "today I realized it wasn't that my mom was neglecting me. She was just doing the best she could. I learned how to deal with my anger. I have inside cues and outside cues. It's my decision-making that matters." Moses explained how he uses the skills he has learned in cognitive behavioral therapies. Moses described his self-reflection and path of rehabilitation, as well as his appreciation for his own mother's struggles, as being the most meaningful source of change. He stated that he no longer feels angry or that he was a victim of bad circumstances, but rather that he has made his own choices in life. He has been able to forgive and make amends with his mother during his incarceration.

Moses also stated that his growth in rehabilitation was significantly advanced after hearing from family members who lost loved ones due to violence. Moses stated that the opportunity to hear from family members (which occurred during a Holy Day of Atonement program he attended) provided him with a deeper understanding of what he had done. Moses stated that hearing from the victims allowed him to feel what the Jenkins family must have been feeling. This was a turning point in his deeper level of rehabilitation.

Moses proposed a comprehensive release plan that addressed both his short-term and long-term needs. Following the completion of his on and after sentence, he is seeking to transition to a lower security, where he can begin to establish further re-entry skills. This will be followed by a release to the Brooke House, where he can gain assistance with employment, health insurance, and a driver's license, along with obtaining skills that will assist him with becoming a successful member of society.

Moses had many family members and members of the community attend his hearing. He also had many people write letters of support, including Minister Don Muhammad from the Nation of Islam, where Moses continues to practice his faith. Also speaking in support of Moses was Father Paul Massel, from a parish outside of Toronto. Father Massel met Moses 16 years ago through his pastoral ministry. Father Massel testified to Moses' growth and commitment to being a good person. Despite his horrific childhood experience, Father Massel stated that he has grown up to be a fine young man with sound moral judgment and one who can contribute positively to society. Larry Turner, representing the Nation of Islam, testified that the Nation of Islam is committed to supporting Moses and assisting him with his continued growth. Mr. Turner recognizes that the transition out of prison can be difficult and Moses will receive the support that he needs. Also speaking in support of Moses was Kevin Thomas, who has been working on a faith-based program called Back to the Village. Mr. Thomas testified that he will continue to support Moses' efforts and, as he has assisted another individual succeed on parole,



he believes he can also assist Moses. Moses' step-mother, Loraine Fowlkes, and his sister, Charlene Hudson, validated Moses' traumatic childhood experiences, as well as his growth and commitment to change. Both family members testified that Moses has a committed support system that will assist him with this transition.

Testifying in opposition was Suffolk County Assistant District Attorney Charles Bartoloni. ADA Bartoloni stated that, although considering the age of the inmate, Moses was capable of planning this murder and proposing a false defense which placed the blame on the victim. It wasn't until 2008 that Moses finally accepted responsibility for the murder. ADA Bartoloni also testified as to his concerns that, while Moses has done well in a structured setting, he may revert to his old ways when in the community. Finally, ADA Bartoloni believes that Moses has not engaged in rehabilitative programming for a long enough period of time to influence true change. ADA Bartoloni testified that, following a longer period of incarceration with continued rehabilitation, Moses may be ready for parole.

### **III. DECISION**

Moses committed the offenses when he was 17 years old. Moses has a history of emotional and cognitive issues that appear related to his mother's excessive alcohol abuse and use of antidepressants throughout her pregnancy with Moses. His issues were further exacerbated by his chaotic family history. Moses was hospitalized at 6 ½ years old at Memorial Hospital following a psychological assessment that deemed he had some behavioral issues, difficulty learning, and was suffering from significant depression and anxiety. His need for interventions and treatment continued throughout his childhood and adolescence. Many of his role models, including his half-brother, introduced him to criminal behavior at a young age. Moses' environment was filled with crime, drugs, addiction, and guns, which he internalized as being normal. It is clear that Moses' early childhood experiences were extremely challenging and played a significant role in his progression into delinquent behaviors. At the time of the offenses, Moses was entrenched in a lifestyle of crime and high risk behaviors. Although he was 17 years old, by all accounts, he was functioning at a much lower age. All of these clear traumatic events were further compromised by Moses' stage of development. At the time of the offense, he displayed all the hallmark features of adolescent brain development, including impulsivity, recklessness, and impetuosity. He had no skill set in which to navigate the destructive and chaotic environment into which he was born. Moses is now a mature thirty six year old man who has transformed his life through a strong commitment to rehabilitation.

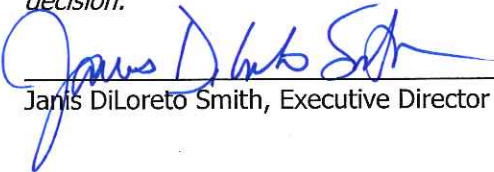
Moses invested in his rehabilitation, despite initially being sentenced to first degree murder without the opportunity for parole. Since learning of his parole eligibility, he has been afforded more opportunities through the Department of Correction and he has invested in all aspects of his rehabilitation. Moses demonstrated that he has potential to be a positive and contributing member of society. His accomplishments are impressive, as he has completed and benefitted from his commitment to education, emotional growth, sobriety, and spirituality. Moses has also established a support system that will assist him with a successful re-entry into the community.

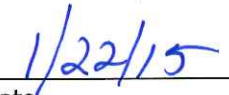
Moses has overcome significant odds. Based on his commitment to his rehabilitation, he has developed a skill set that will enable him to live up to the expectations of positive citizenship. The standard we apply in assessing candidates for parole is set out in 120 C.M.R.

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, it is the unanimous opinion of the Board that Prince Moses merits parole at this time because he is rehabilitated. Moses must comply with all conditions of parole.

**ADDITIONAL CONDITIONS:** Parole to the Brooke House upon completion of his term and after sentence and after nine months in pre-release; Must complete ABLE Minds and remain disciplinary report free for the duration of his commitment.

*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.*

  
Janis DiLoreto Smith, Executive Director

  
Date