



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JESUS ENCARNACION**

**W49337**

**TYPE OF HEARING:** Review Hearing after Revocation

**DATE OF HEARING:** January 31, 2012

**DATE OF DECISION:** October 1, 2012

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

**DECISION OF THE BOARD:** Re-parole after successful completion of six months in lower security in the custody of the Department of Correction, during which period the inmate is required to continue with rehabilitative programs and activities. The inmate must maintain good conduct without disciplinary incident. The decision is unanimous.

**I. STATEMENT OF THE CASE**

Mr. Encarnacion pled guilty to murder in the second degree and was sentenced to life imprisonment on November 5, 1990, in Hampden County Superior Court. The charge of assault and battery with a dangerous weapon was filed on the same date.

Jesus Encarnacion had his initial parole hearing on July 12, 2005. Mr. Encarnacion was paroled on December 22, 2005 and remained in the community without incident until April 11, 2011 when he recorded a .10 on a breathalyzer test taken at the parole office. He was returned to custody for the revocation process. Revocation was affirmed on September 14, 2011 and Mr. Encarnacion now seeks re-parole.

On May 18, 1990, at approximately 2:15 p.m., Jesus Encarnacion and Pedro Arzuaga were driving around Springfield trying to sell a VCR for money or drugs. Mr. Encarnacion asked a group of kids if they wanted to buy the VCR. The kids gathered around the car and one of

them snatched the VCR and ran away with it. Mr. Encarnacion and Mr. Arzuaga left the scene and later returned, with Mr. Encarnacion armed with a hand gun. They spotted the person they believed to have taken the VCR, Samuel Pagan, and began to argue with him. Mr. Encarnacion pulled the gun he was carrying from his coat and fired at Mr. Pagan. The two then fled the scene and hid the weapon. Mr. Pagan died due to gunshot wounds to the head and lower back.

## **II. FACTORS RELEVANT TO RE-PAROLE DECISION**

1. Mr. Encarnacion has made significant strides in self-development throughout the course of his incarceration, particularly in the years leading up to his release on parole.
2. Mr. Encarnacion's overall disciplinary history has been mainly positive and the last disciplinary report he incurred was in 2001. Mr. Encarnacion was engaged in programming throughout his incarceration and he worked in different institutional jobs with favorable reports. He completed the CRA program in 2002 and participated in AA/NA.
3. Mr. Encarnacion's adjustment while on Parole was exemplary until the incident of his violation. For over five years on parole he incurred no graduated sanctions or violations. Mr. Encarnacion successfully completed a long-term residential program at Saint Francis House in 2007 and continued participation in community AA programs. He was tested 55 times for drugs and alcohol while on parole and all results were negative. He maintained legitimate employment and a stable home environment. Mr. Encarnacion's Parole Officer praised him for his adjustment on parole. Overall he demonstrated rehabilitated behavior, prosocial conduct, and no current risk for violence.
4. Employment and job performance were important parts of Mr. Encarnacion's parole success. He worked full-time for a corporate food service company for the past five years. Two managers from the company spoke in support of parole at the hearing. They described Mr. Encarnacion working his way up to become a "popular chef" who ran a grill and interacted positively with co-workers and customers. They said the company would re-hire Mr. Encarnacion. He also worked part-time for a cleaning company.
5. Following his return to custody in 2011, Mr. Encarnacion has not incurred any disciplinary reports. He remains active in programming, including AA and NA, Lifer's Group, Nuestra Familia, GED classes and continues to receive positive reports. He demonstrates a continued commitment to improve himself.
6. At his hearing Mr. Encarnacion presented as remorseful and with a greater appreciation for the expectations of parole. He addressed his shortcomings on parole and took full responsibility for his actions.
7. Mr. Encarnacion has a solid post-release plan, including resumption of his employment at the job where he worked, with outstanding evaluations, for the five years while on parole. He plans to reside in the same stable, supportive home environment he had been in while in the community. He displays a positive attitude and renewed determination in maintaining his sobriety. Supporters who testified at his hearing established that he has solid support in the community.

### III. DECISION

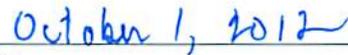
Jesus Encarnacion established in his five years on parole that he can live a productive life in the community without posing a risk of violence. His rehabilitative efforts during his incarceration and his long-term residential program prepared him for living a law-abiding life in the community. Unfortunately Mr. Encarnacion relapsed on alcohol which required parole revocation. During his re-incarceration he has resumed sobriety and substance abuse programming. Given his accomplishments on parole and lack of a current risk for violence, Mr. Encarnacion is deserving of another chance on community supervision. Under this decision, the inmate will have served two additional years in prison which is a sufficient period to hold him accountable and promote further rehabilitation. Under the conditions specified in this decision, Mr. Encarnacion is unlikely to re-offend and his release on parole is compatible with the welfare of society. The Parole Board grants re-parole after a six-month period in lower security and with the requirement that Mr. Encarnacion is on GPS electronic monitoring for at least the first year of his re-parole.

**SPECIAL CONDITIONS:** No drug or alcohol use with monthly testing; AA or NA 3 times per week with sponsor; no contact with victims family; and GPS electronic monitoring for at least one year and thereafter at discretion of parole officer.

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



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Josh Wall, Chairman



\_\_\_\_\_  
Date