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Josh Wall
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RECORD OF DECISION

IN THE MATTER OF

FRANCIS SOFFEN

W34022

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 19, 2011

DATE OF DECISION: January 9, 2012

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

DECISION OF THE BOARD: Denied with review in 5 years. The decision is unanimous. Francis Soffen committed two brutal murders, one in March 1972 and one in May 1972. Soffen has repeatedly lied to the Parole Board in his hearings. His disciplinary record in prison is poor and he is not participating in rehabilitative programs. There is no basis to conclude that Francis Soffen is rehabilitated, and his parole is, therefore, denied.

I. STATEMENT OF THE CASE

In 1972, Francis Soffen was involved in a series of masked armed robberies in Hampden County. In order to evade responsibility for the robberies, he undertook a violent campaign to eliminate two men who knew of his involvement in the robberies. On May 8, 1972, Soffen was traveling near Springfield in a car as the back seat passenger; victim Gary Dube (age 24) was the front seat passenger; a third man was driving. Using a .38 caliber handgun, Soffen shot Gary Dube twice in the head. Soffen later dumped Mr. Dube's body in the Connecticut River. On July 12, 1972, Soffen arranged to meet Stephen Perrot (age 28) in the parking lot of the Howard Johnson's Motel in Springfield. Soffen executed Mr. Perrot by shooting him six times with a .22 caliber revolver. Soffen pleaded guilty to two counts of murder in the second

degree; he also pleaded guilty to three counts of armed masked robbery for which he received concurrent terms of 18-20 years.

Soffen has claimed several times at prior parole hearings that he acted in self-defense or fear. These claims are disproved by the evidence, most notably the facts presented at Soffen's plea hearing. Soffen admitted to those facts at the hearing. Soffen acted in both murders with the motive of retribution for cooperation with police. In his 2011 staff interview for this parole hearing, Soffen does not acknowledge his motive for the murders and continues falsely to describe provocation by Mr. Perrot.

The Parole Board has denied parole to Francis Soffen after ten prior hearings (1988, 1989, 1990, 1991, 1992, 1995, 1998, 2001, 2003, 2004, and 2006).

II. OTHER CRIMINAL OR BAD CONDUCT

Francis Soffen has three serious convictions that preceded the masked armed robberies and murders. In 1956 he was convicted of abusing a female child and served a committed sentence. In 1967 he was convicted of breaking and entering in the night and larceny; he served a state prison sentence. Soffen was paroled on this sentence; he completed parole in 1970; his parole officer noted repeatedly that Soffen was a "con artist." His third conviction was in Connecticut, for breaking and entering.

Of more recent concern is uncharged conduct that is documented in Department of Correction records. Soffen has several health problems that require regular medical attention. He routinely antagonizes and harasses his medical caregivers. He has grabbed a nurse's buttocks, refused directions, acted belligerently, and used profanity in connection with making harassing statements. Soffen has been given numerous oral warnings on this behavior and since his last parole hearing has received three disciplinary reports for this conduct.

III. PAROLE HEARING ON AUGUST 9, 2011

Francis Soffen read a statement of apology. He stated that "I have made a lot of changes." He attributed the changes to his religious devotion. He admitted that, "I was a real jerk until about 4 years ago. I lied and manipulated this Board. I was a liar. I evaded a lot of the facts that the victims' families should have known." Soffen's lawyer, John Rull, read a statement in support of his client's petition.

Board members questioned Soffen on the facts of the two murders. Soffen again acknowledged his prior lies at parole hearings: "I lied. I was evasive. I was a jerk. You saw through my lies; that is why you denied me." Soffen's lies, told over decades, were designed to blame the victims for acts of aggression that led Soffen to act in self-defense. Soffen now admits he did not act in self-defense; he still does not provide details and he blames a faulty memory for the lack of detail. He continues to obscure the motives for the murders, and refuses to admit that he planned both murders as retaliation for the victims' cooperation with police who were investigating Soffen for a series of armed robberies. In addition, he continues falsely to describe provocation by Mr. Perrot and does not admit his role in planning the murder and luring the victim to the scene.

Three supporters spoke: Deborah Allen (Soffen's niece); Reverend Jason Lydon of the Community Church of Boston (prison ministry outreach); and Gaetano Scappacci. Mr. Scappacci is a former correctional officer at Walpole who credits Soffen with saving his life in 1976: Soffen stopped another inmate in the midst of a violent attack on Mr. Scappacci; Soffen was stabbed by the inmate.

Gary Dube's three sisters spoke in opposition. Steven Perrot's son, who was age six when his father was murdered, spoke in opposition.

IV. DECISION

During his 39 years of incarceration, Francis Soffen has not sought to rehabilitate himself in any manner that the Parole Board would consider sufficiently effective for a person with his serious violent history. He has not engaged in programming designed to address his criminal thinking and criminal behavior, and he shows no interest in doing so. He has continued a pattern of antisocial behavior, including persistent harassment of medical caregivers, that is predictive of future offense if released. Soffen's criminal history is extraordinary, and marks him as an especially dangerous individual. In separate incidents, he executed two men because they were cooperating with police investigations. He appears to be of the view that parole is granted as a matter of routine once the inmate has served a significant period of time. He does not recognize that his parole must be earned through concerted rehabilitative work and pro-social behavior displayed over a long period of time. Soffen would likely re-offend if released on parole, and his release is not compatible with the public welfare.

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



Josh Wall, Chairman

January 9, 2012

Date