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Paul M. Treseler
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DECISION

IN THE MATTER OF

FRANCISCO ROBLES

W63633

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 27, 2016

DATE OF DECISION: May 4, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, 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, the 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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 11, 1997, in Suffolk Superior Court, a jury found Francisco Robles guilty of second degree murder in the death of 23-year-old Christine Painten. Mr. Robles was sentenced to life in prison with the possibility of parole.

On November 10, 1996, police received an emergency 911 call from Francisco Robles notifying the dispatcher that he had just killed his girlfriend, Christine Painten, in her East Boston apartment. Responding officers found Mr. Robles sitting on the couch with Ms. Painten's 3-year-old son. Ms. Painten was on the floor, naked from the waist down. She was covered by a bed sheet, with a copy of the bible on her chest. There were obvious bruise marks around Ms. Painten's neck. Mr. Robles held out his hands to be cuffed, stating to officers that he had just killed his girlfriend. Mr. Robles had been released from a House of Corrections sentence two days before the murder.

II. PAROLE HEARING ON OCTOBER 27, 2016

Mr. Robles, now 40-years-old, appeared before the Parole Board for a review hearing on October 27, 2016. Mr. Robles' initial hearing, in 2011, resulted in the denial of parole. In his opening statement to the Board, Mr. Robles apologized for all of his "actions" and "past crimes." He expressed remorse for "cowardly" and "violently" murdering Ms. Painten, as well as the harm he caused to Ms. Painten's family, friends, and community, and to his own family.

Board Members questioned Mr. Robles on his pattern with women and his long history of domestic violence and battery. Mr. Robles acknowledged that he had been controlling, jealous, and violent in his relationships with women. When discussing a prior domestic incident with another woman (before Ms. Painten's murder), Mr. Robles acknowledged threatening her with a firearm, as well as stalking her. The Board then questioned Mr. Robles about the events that led up to the murder of Ms. Painten. Mr. Robles stated that while he was incarcerated for six months (for the offense against the other woman), he would speak with Ms. Painten on the phone and she would visit him. In the middle of his six month sentence, Ms. Painten told Mr. Robles that she could not visit him, so he assumed it was because she was involved with someone else. Mr. Robles had been told that the reason Ms. Painten did not visit was because she had been in a car accident. He later found out that Ms. Painten had not been in a car accident, but had been physically assaulted by an ex-boyfriend and had not wanted to tell Mr. Robles about the assault. When Mr. Robles found out the truth, he thought it meant that Ms. Painten was lying to him and involved in a relationship with her ex-boyfriend. Mr. Robles stated, "That enraged me. It made me jealous. It made me have negative thoughts."

Upon his release, he continued to believe that Ms. Painten had been unfaithful to him. A Board Member asked Mr. Robles if killing Ms. Painten (because she no longer wanted to be with him) was part of his controlling behavior. In response he said, "Yes... I felt like I owned the person... I felt like if I could not be with Christine, nobody else could be with her." When asked why Ms. Painten had stayed with him (previously), Mr. Robles replied, "Because she was afraid of my behavior and my control." A Board Member pointed out that it takes some time and force to strangle someone to death, since the natural tendency is for the victim to fight for his or her life. In response, Mr. Robles stated, "And sadly, she did fight for her life." Mr. Robles later stated that he accepts full responsibility and "committed the worst crime of domestic violence."

Mr. Robles discussed the "rehabilitation process" that helped him understand why he committed the murder. He said that he identified "episodes and traumas" in his life, as well as his reactions, and was able to determine when his life "started turning for the worse." Mr. Robles indicated that he experienced sexual abuse, abandonment by his father, and "social pressure" from growing up in the Dominican Republic (where he felt like he did not fit in). A Board Member asked Mr. Robles how those issues translated into his extreme jealousy and control of women. Mr. Robles said that the only way he could be happy, and suppress his own fears of rejection, was by controlling the person he was with. Mr. Robles said that he has been involved in two relationships during his present incarceration. In the first relationship, the woman was a family member of one of his friends. When asked if he had ever been controlling or verbally or mentally abusive to the woman, Mr. Robles stated, "Yes." When questioned about the context, Mr. Robles said, "It was more in the sense of manipulation" and trying to find "self-satisfaction" for the things that he needed at that time. Mr. Robles is now married to

a different woman, whom he met five years ago through a mutual friend. A Board Member asked Mr. Robles if he has been manipulative or controlling with his wife. He replied, "No, I have not."

Mr. Robles was also questioned about his prior involvement with the drug trade. At his last hearing, Mr. Robles had denied any involvement in dealing drugs. At this hearing, however, Mr. Robles admitted to selling marijuana, cocaine, and crack cocaine. He also admitted to using cocaine. When asked why he did not want to discuss his drug dealing at his last hearing, Mr. Robles stated that he was trying to "run away" from his responsibilities. Mr. Robles has had numerous disciplinary reports during his incarceration, including one in which he stabbed another inmate in 2002. The other inmate had life threatening injuries, including a collapsed lung.

Mr. Robles had multiple supporters in attendance at his parole hearing. Mr. Robles' mother testified in support of parole. The Board also considered oral testimony from Ms. Painten's mother, one of her cousins (who spoke on behalf of her family), and two of her friends, all of whom spoke in opposition to parole. Ms. Painten's mother read a letter of opposition from a friend of Ms. Painten, who was not able to attend the hearing. Suffolk County Assistant District Attorney Charles Bartoloni also spoke in opposition to Mr. Robles being granted parole. The Board received letters of opposition from ADA Bartoloni and Boston Police Commissioner William B. Evans.

III. DECISION

The Board is of the opinion that Francisco Robles lacks empathy and insight. Mr. Robles has a long history of domestic violence and was only in the community for two days before he choked an innocent, defenseless person. In addition, Mr. Robles' institutional adjustment has been problematic. In 2002, while incarcerated, Mr. Robles received a 4-5 year sentence for armed assault with intent to kill and assault and battery with a dangerous weapon.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Robles' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Robles' risk of recidivism. After applying this standard to the circumstances of Mr. Robles' case, the Board is of the unanimous opinion that Mr. Robles is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Robles' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Robles to continue working towards his full rehabilitation.

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.



Gloriann Moroney, General Counsel



Date