

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

FRANCISCO ROBLES

W63633

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 14, 2021

DATE OF DECISION: August 16, 2022

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

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 three years from the date of the hearing.²

I. STATEMENT OF THE CASE

On November 11, 1997, after a jury trial in Suffolk Superior Court, Francisco Robles was convicted 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 a 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

¹ Chair Gloriann Moroney was recused.

² Two Board Members voted to deny parole with a review in two years from the date of the hearing.

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 14, 2021³

Francisco Robles, now 45-years-old, appeared before the Parole Board for a review hearing on October 14, 2021. He was represented by Attorney Matthew Koes. Mr. Robles was denied parole after both his initial hearing in 2011, and his review hearing in 2016. In his opening statement, Mr. Robles expressed his remorse for the victim and her family for "inflicting so much pain, deep sorrow, and grief." He further regrets "what her young child had to go through because of [him]." When the Board questioned him as to his long history of domestic violence, Mr. Robles explained that he witnessed and normalized such behavior in childhood and then copied it as an adult. His relationship with Ms. Painten was "tumultuous" from the beginning due to his abusive behavior, which included isolation from her family and friends, so they "didn't notice how bad [he] was treating her." He also pursued Ms. Painten's sister romantically and assaulted both sisters, although the related criminal case was dismissed. While serving a 6 month sentence for violence against another girlfriend, Mr. Robles accused Ms. Painten of infidelity; however, he was the one unfaithful to her.

When prompted by the Board to discuss his institutional adjustment, Mr. Robles described it as "very poor... the worst." He accumulated over 50 disciplinary reports throughout his incarceration, including assaults on correctional officers and fellow inmates. Mr. Robles stabbed two fellow inmates over a gambling debt, one of whom suffered life-threatening injuries, including a punctured lung and aorta that resulted in a medically induced coma. Upon Board Member questioning as to his intent, Mr. Robles claimed he was in such a rage that he "didn't even recognize [that] he could have killed them." His last disciplinary report was in 2018. Although Board Members noted some improvement, Mr. Robles continues to have issues with following orders.

Mr. Robles is employed and has participated in several rehabilitative programs, including AA/NA, CRA, and a Family Violence Initiative. He is a facilitator in CRA and earned his GED and bachelor's degree while incarcerated. He completed his ServSafe certification and participated in a vocational chef program. Mr. Robles reported that substance abuse has not been an issue for him during his incarceration, as it had been prior to the governing offense. He does not consider himself an addict. Mr. Robles' parole plan consists of a step-down to lower security before release to a long-term residential program in New York to be near his family.

Mr. Robles' mother and social worker testified in support of parole. The Board considered the testimony of five family members of Ms. Painten, all of whom spoke in opposition of parole. The Board received a letter in opposition to parole from the Boston Police Department.

III. DECISION

The Board is of the opinion that Francisco Robles has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board recognizes that Mr. Robles has done a lot of work since the last hearing. However, he has a violent history to include a serious, life-threatening crime while incarcerated, as well as a pattern of domestic violence which he has only recently begun to address. Mr. Robles should

³ The entire video recording of Mr. Robles' October 14, 2021 hearing is fully incorporated by reference to the Board's decision.

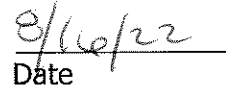
continue with further work on these issues to address his anger. The Board is concerned that he continues to struggle with anger issues as evidenced by his most recent disciplinary report.

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 Francisco 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 three 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.


Pamela Murphy, General Counsel


Date