



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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RECORD OF DECISION

IN THE MATTER OF

FRANK EBERHART

W90123

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 25, 2022

DATE OF DECISION: January 12, 2023

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On June 19, 2007, after a jury trial in Middlesex County Superior Court, Frank Eberhart was convicted of the lesser-included offense of second-degree murder in the death of 42-year-old Janice Ellis and was sentenced to life in prison with the possibility of parole.

Mr. Eberhart appeared before the Parole Board for a review hearing on October 25, 2022. He was represented by Attorney Brian Kelly. Mr. Eberhart was denied parole at his 2021 initial hearing. The entire video recording of Mr. Eberhart's October 25, 2022, hearing is fully incorporated by reference to the Board's decision.

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 a suitable candidate for parole.

Reserve to Veterans Administration. On May 7, 2006, 50-year-old Mr. Eberhart strangled 42-year-old Janice Ellis to death. Mr. Eberhart accepts full responsibility for the murder. He has had an overall positive adjustment with his last disciplinary report in 2012. He has been sober throughout his incarceration. He currently resides in the RTU and has demonstrated compliance with treatment. Mr. Eberhart has shown that he has gained insight, into the causative factors of his crime, including major mental illness and substance abuse. Mr. Eberhart has identified the VA as part of his parole plan which can address his medical needs in

a residential setting Mr. Eberhart suffers from multiple medical issues. The Board encourages Mr. Eberhart to remain compliant with all mental health provider recommendations.

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. Eberhart's 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. Eberhart's risk of recidivism. Applying this standard to the circumstances of Mr. Eberhart's case, the Board is of the unanimous opinion that Frank Eberhart is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to Veterans Administration; Waive work for disability; Curfew at PO's discretion; ELMO-electronic monitoring at PO's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling; Sign releases.

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

/s/ Pamela Murphy
Pamela Murphy, General Counsel

1/12/23
Date