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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

FRANK ROBINSON

W61295

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 5, 2015

DATE OF DECISION: July 15, 2015

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 20, 1996, in Suffolk Superior Court, Frank Robinson was found guilty of second degree murder following a jury trial. Subsequently, he was sentenced to life in prison.¹ The victim of the murder was 19-year-old Maurice Vance. Robinson was 25-years-old at the time of the murder.

Frank Robinson appealed his convictions. The Appellate Court affirmed the murder conviction, but vacated the kidnapping charge (*Commonwealth v. Robinson*, 48 Mass. App. Ct. 329 (1999)).

¹ Robinson was also sentenced to 9 to 10 years for kidnapping, to run concurrent with his life sentence. The kidnapping conviction was later vacated on appeal as duplicative of the conviction for second degree murder on a theory of felony-murder with kidnapping as the underlying felony.

Robinson was one of four co-defendants charged and tried in the murder of Mr. Vance. Robinson's co-defendants were Keith Fitzpatrick, Karla Hayes and Eugene Hayes. All four were tried together, but Robinson was the only one convicted of murder. The other three were acquitted of murder charges by the jury.

The facts of the offense are as follows: On June 13, 1995, Frank Robinson, Karla Hayes, Eugene Hayes, and Maurice Vance were at Robinson's home in Stoughton. Mr. Vance had told Robinson that he (Vance) stole money and drugs from "Fitzy" and that "Fitzy" had put a "hit" out on him ("Fitzy" was later identified as co-defendant Keith Fitzpatrick). Intending to bring Mr. Vance to Fitzpatrick so that he (Fitzpatrick) could "take care of him," Robinson hit Mr. Vance over the head with a gun. Karla Hayes then placed a rope around his neck and hog-tied him. They placed a gag in Mr. Vance's mouth and put a pillowcase over his head. Robinson and Eugene Hayes then placed Mr. Vance, still alive, in the trunk of a motor vehicle. Karla Hayes and Robinson drove to Boston to deliver Mr. Vance to Keith Fitzpatrick. When they arrived at Fitzpatrick's residence, Karla Hayes left the area. Subsequently, Robinson and Fitzpatrick drove off with Mr. Vance in the trunk of the car to a secluded area, where they stabbed him. Both men then set Mr. Vance's body on fire and fled the area.

II. CRIMINAL HISTORY

Robinson's criminal history began as a 15-year-old juvenile when he was adjudicated delinquent for robbery and placed on probation. The following year he was adjudicated delinquent for larceny and was again placed on probation.

His adult criminal history commenced in 1986, when he was convicted in various district courts in the Commonwealth for knowingly receiving stolen property, possession and distribution of marijuana, disorderly conduct, use without authority, possession of cocaine, and malicious destruction of property over \$250. Robinson is serving his second state incarceration. In 1988, he was sentenced to 20 years, with one year to be served and the balance suspended, for possession of a sawed-off shot gun. He received a certificate of discharge for that sentence on December 11, 1989. Robinson successfully completed two years of probation and his first state sentence was terminated.

III. PAROLE HEARING ON MAY 5, 2015

Frank Robinson appeared before the Board, without an attorney, for his second parole hearing. Robinson is 45-years-old and has served 20 years of his life sentence. His initial hearing was conducted in April 2010, after which parole was denied with a review in five years.

Robinson provided an opening statement in which he extended an apology to the Vance family for his participation in the murder of Mr. Vance. He acknowledged the negative impact his actions and lifestyle had on the community. Since entering the institution, Robinson has completed several programs to address his criminal behavior and enhance his reintegration into the community. Such programs covered issues of anger and violence, educational and vocational training, and substance abuse and dependency. Robinson provided the Board with an overview of the specific treatment and programming that he has engaged in since his last hearing which include: Criminal Thinking, Alternatives to Violence, Correctional Recovery Academy (CRA), and the High Risk Offender Program. He is on the waitlist for Violence

Reduction, Barber School, Computer Skills and Pathways to Freedom. According to his personalized program plan, he is considered a low risk for violence and high risk to recidivate. His history of employment within the institution has been sporadic. Robinson is currently employed as a unit runner.

In accordance with Departmental records, there are four incidents of alcohol and substance use in the past 20 years. Robinson reported that he first used marijuana and alcohol around the age of 12 when he would "steal the roaches from the ashtray." As he grew older, his marijuana use increased and he was soon using cocaine. He became a coke addict, both snorting and smoking it. He tried heroin a few times, but he preferred cocaine. While denying drug use in prison in the past, Robinson admitted at the hearing that his last drug use was in 2009, when he used Percocet that resulted in a dirty urine test. He has completed substance abuse programming, Relapse Prevention, and Introduction to Twelve Step.

Robinson informed the Board that his involvement in the High Risk Offender Program (while in the Disciplinary Detention Unit (DDU) in 2011) provided him with a greater understanding as to who he was and the problems he had. He has learned to remove himself from situations that could be harmful. He described his participation in the CRA program as a turning-point; it gave him the opportunity to abandon his negative way of thinking and allowed him to identify his core values.

Robinson was born and raised in Dorchester, Massachusetts by his mother and his father. As a young teen, he became "mischievous" and began experimenting with drugs in the seventh grade. As his attraction to drugs progressed, so did his attraction to the street life. Robinson described himself as an excellent athlete and a good student until his priorities shifted, and he became an active member of a Boston gang. Before his first incarceration, he attended five high schools. Instead of graduating from high school, he was committed to MCI-Cedar Junction to serve his first state incarceration. Robinson remains close with his family, including his daughter. He told the Board that his son was murdered in a gang-related slaying.

Robinson continues to maintain his innocence in the murder of Mr. Vance, but says he assumes full culpability based on the lifestyle in which he was engaged in at the time. Robinson informed the Board that he had known the victim for several years prior to the murder. He said that he was only trying to resolve a dispute and help Mr. Vance repay a debt for a robbery Mr. Vance had committed against a member of Robinson's gang. Throughout the hearing, Robinson was unable to provide the Board with a plausible explanation as to how and why his version of events is in conflict with all known facts, other than to say that there are sometimes unintended consequences for negative behaviors and lifestyles.

Robinson has accrued approximately 56 disciplinary reports throughout his incarceration. The offenses ranged from positive urine screens for drugs to multiple fights to the possession of weapons. He has had one placement in the DDU and numerous placements in the Special Management Unit. His most egregious disciplinary report was issued against him on August 25, 2009, for introducing controlled substances into a correctional facility. It was determined through a comprehensive investigation that he orchestrated the procurement of 15 grams of heroin and the transport of the drugs to the facility. However, Robinson maintains that he was not involved in any way with the introduction of drugs into the facility. He claims that he had an ongoing issue with Department of Correction staff members of the Inner Perimeter Security.

He further stated that the only evidence they had against him was from an informant. Since his last hearing before the Board in 2010, Robinson has accrued eight disciplinary infractions, including aggravated assault on another inmate and possession of drugs (K2).

The Department of Correction reports indicate Robinson's Security Threat Group status as "member disassociating" from a Boston gang. Robinson has been considered a strong, influential member of the security threat group community in the Boston area and within the Department of Correction.

Robinson seeks parole to a long term residential program after a gradual reduction in security to aide in his reintegration. Upon completion of that program, he would reside with his parents in Stoughton. Several family members and friends attended the hearing in support of his petition for parole. Five people spoke in support of his parole: his mother, aunt, daughter, and two cousins. They all expressed their willingness to provide Robinson with the necessary supports to successfully re-enter the community. The Board also received letters of support from Robinson's family and friends in the community.

There was no one present in opposition to Robinson's request for parole. There were also no written submissions from the victim's family or friends in opposition to parole. However, Suffolk County Assistant District Attorney Daniel F. Conley's Office submitted a letter to the Board strongly opposing parole. The letter states that the District Attorney's opposition to parole "stems from the heinous nature of the crime, the defendant's long disciplinary record, as well as the fact that he adamantly refuses to answer for his role in this crime."

III. DECISION

At the time of the murder, Robinson was 25-years-old, a member of a well-known Boston gang, and actively selling drugs in the community. Robinson became attracted to street life at an early age and was readily exposed to guns, drugs, and violence. Since entering the institution, he has consistently increased his participation in rehabilitation, including occupational skill building and treatment for factors related to his criminal history. However, he has continued to make concerning decisions within the institution and has exhibited poor behavior. This conduct demonstrates that Robinson has more work to do. The Board is of the opinion that Robinson needs to demonstrate his rehabilitative progress and success through a longer period of positive institutional adjustment and programming before his release is compatible with the welfare of society. Robinson received eight disciplinary reports since his last hearing in 2010, some of which were for violent and/or drug related offenses. His recent willingness to violate institutional rules remains a source of concern to the Board.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Frank Robinson does not merit parole at this time because he is not fully rehabilitated. The review will be in five years, during which time Mr. Robinson should engage in available programming, continue positive behavior, remain disciplinary report free, and prepare to be more forthright and truthful in addressing his crime.

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.



Michael J. Callahan, General Counsel

July 15, 2015
Date