



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF
LEWIS FRANKLIN
W95287

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: December 18, 2025

DATE OF DECISION: March 24, 2026

PARTICIPATING BOARD MEMBERS: Edith J. Alexander,¹ Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to Department of Mental Health – Group Living Environment (DMH-GLE) 45 days from date of Decision.

PROCEDURAL HISTORY: On October 22, 2009, following a jury trial in Plymouth Superior Court, Lewis Franklin was convicted of murder in the first-degree for the death of John Falcone. He was sentenced to life in prison without the possibility of parole. On that same date, he was found guilty of unlawful possession of a firearm and received a 2 to 4 year concurrent sentence.

Mr. Franklin became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision regarding his first-degree murder conviction, Mr. Franklin was re-sentenced to life with the possibility of parole after 15 years.

On December 18, 2025, Mr. Franklin appeared before the Board for an initial hearing. He was represented by Attorney Thomas Estes. The Board's decision fully incorporates by reference the entire video recording of Mr. Franklin's December 18, 2025, hearing.

¹ Board Member Alexander was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to vote.

STATEMENT OF THE CASE: On August 23, 2004, 18-year-old Lewis Franklin shot and killed 30-year-old John Falcone in Brockton. That morning, Mr. Falcone arranged a meet up with Mr. Franklin to purchase cocaine. After the exchange, Mr. Falcone became upset, believing that what he purchased was "not real." He attempted to contact Mr. Franklin, but he was unsuccessful. When he was finally able to reach him, Mr. Franklin said that he would "make it right." They again arranged a meet up, but Mr. Franklin never arrived.

Mr. Franklin learned that Mr. Falcone had come to his neighborhood, complaining that he "got ripped off," and became upset. He found Mr. Falcone sitting outside an abandoned building and began to loudly argue with him. Mr. Falcone was shot during this confrontation and did not survive his injuries. The medical examiner opined that the cause of death was a single gunshot wound in which a projectile entered through his back and exited through his chest.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Franklin was 18-years-old at the time of offense and is now 39-years-old. He is before the Board as a result of the Supreme Judicial Court's Mattis decision. Mr. Franklin has been deemed clinically eligible for DMH services according to the Regional Coordinator for DMH, Hank Mathieu. The Board reviewed the forensic evaluation of Dr. Herzog, who described Mr. Franklin's mental health history and, after a comprehensive assessment of this

history and the Mattis factors, noted his low risk level for future violence. Throughout his incarceration, Mr. Franklin has participated in programming geared toward understanding and managing his mental health. In light of the expert evaluations and the release plan of Lauren Honigman, the Board recognizes that an appropriate release plan will include outpatient clinical supports to monitor medication and treatment compliance, wrap-around services, and a GLE given Mr. Franklin's history of hospitalizations and residential treatment. Being that a GLE would provide Mr. Franklin with the best opportunity to benefit from mental health and re-entry services, this can be accomplished with DMH or a comparable program. Mr. Franklin has a strong support system that is equipped to assist him in complying with his release plan and mental health needs. With structure and the appropriate supports in place, the Board concludes that Mr. Franklin's release is compatible with the welfare of society. The Board considered the testimony of Dr. Herzog and a family member of Mr. Lewis in support of parole. The Board considered the testimony of Mr. Falcone's family members in opposition to parole. The Board also considered the testimony of Plymouth County ADA Arne Hanston in opposition to parole. The Board concludes by unanimous decision that Lewis Franklin has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for 2 weeks or program; Must be home between 10 PM and 6 AM or at Parole Officer's discretion; Electronic monitoring for 6 months; 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 for adjustment/DMH; Residential program - DMH/GLE.

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.


Angelo Gomez Jr., Chair

March 24, 2026
Date