

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

O'NEIL FRANCIS
W89571

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 7, 2022

DATE OF DECISION: August 10, 2022

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

STATEMENT OF THE CASE: On March 27, 2007, after a jury trial in Suffolk Superior Court, Mr. Francis convicted of second-degree murder in the death of 17-year-old Tacary Jones. He was sentenced to life in prison with the possibility of parole. On the same date, Mr. Francis received a 4 to-5-year concurrent sentence for unlawful possession of a firearm.

Mr. Francis appeared before the Parole Board for a review hearing on April 7, 2022. He was represented by student attorneys from Harvard Law School. This was Mr. Francis' second appearance before the Board having been denied in 2020. The entire video recording of Mr. Francis' April 7, 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 a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to a Long-Term Residential Program or Community Resources for Justice – Transitional Housing – Brooke House after six months in lower security. On March 18, 2005, 18-year-old Mr. Francis shot and killed 17-year-old Tacary Jones in Boston. Mr. Francis takes full responsibility for his role in the murder. The Board notes that he has fully invested in his rehabilitation and took the recommendations of the Board in 2020 seriously. He has completed significant programming and addressed all of his need areas. He has earned his general

¹ Chair Moroney was recused.

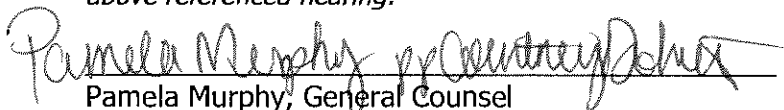
equivalency diploma, engaged in the culinary arts program, and completed two Restorative Justice Retreats. Mr. Francis scores low on the LS/CMI risk/needs assessment. He will benefit from a gradual step down and reentry counseling. The Board considered factors related to his young age at the time of the offense. The Board notes he has a solid support network and numerous job prospects.

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."

In forming this opinion, the Board has taken into consideration Mr. Francis' 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. Francis' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Francis' case, the Board is of the opinion that Mr. Francis is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program or Community Resources for Justice – Transitional Housing – Brooke House must complete; Waive work for program or two weeks; Curfew must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; 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 or association with co-defendants; No contact with victim's family; Must have a substance abuse evaluation – adhere to plan; Must have mental health counseling for adjustment/transition.

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


Pamela Murphy, General Counsel


Date