

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

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*Chair*

**Kevin Keefe**  
*Executive Director*

**DECISION**

**IN THE MATTER OF**

**O'NEIL FRANCIS**

**W89571**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** July 16, 2020

**DATE OF DECISION:** March 4, 2021

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

**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 two years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On March 14, 2007, after a jury trial in Suffolk Superior Court, O'Neil Francis was found guilty of the murder of 17-year-old Tacary Jones. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Francis received a 4 to 5 year concurrent sentence for unlawful possession of a firearm.<sup>1</sup>

On March 18, 2005, 18-year-old O'Neil Francis, along with his co-defendant, 18-year-old Ivan Hodge, boarded an MBTA bus in the Dorchester neighborhood of Boston. As the bus approached the Geneva Avenue bus stop, Mr. Hodge and Mr. Francis passed a camouflaged knife back and forth to one another. When the bus stopped at Geneva Avenue, several young

<sup>1</sup> Mr. Francis's co-defendant, Ivan Hodge, was found guilty of second-degree murder and possession of a firearm without a permit.

men, including Tacary Jones, boarded. Mr. Hodge saw Mr. Jones and made some statements to him. Then, Mr. Hodge and Mr. Francis got up and began to exit the rear of the bus. As they exited, Mr. Francis pulled out a palm sized gun. An altercation ensued between the three men, and shots were fired. Mr. Hodge was seen tucking a semi-automatic gun into his waist band. Mr. Hodge and Mr. Francis then fled the scene. They were later observed running away from the area where the murder weapon (along with an army knife and clothing matching that of Mr. Hodge) was recovered. Mr. Jones was transported to a nearby hospital, where he succumbed to a single gunshot wound to the chest upon arrival. Shortly thereafter, Mr. Hodge and Mr. Francis were arrested for the murder of Mr. Jones.

## **II. PAROLE HEARING ON JULY 16, 2020**

O'Neil Francis, now 34-years-old, appeared before the Parole Board for an initial hearing on July 16, 2020. He was represented by student attorneys from Harvard Law School. In his opening statement, Mr. Francis expressed his sorrow and remorse for the murder of Mr. Jones. He apologized to the Jones family, his own family, and the community at large. Mr. Francis stated that, at the time of the governing offense, he was an "angry" and "reckless" person, who was dealing with grief from the murder of his friend. He recognized the harm from his actions and took responsibility for his crime. Mr. Francis explained that he has worked hard to change his way of "thinking, behaving, and living." He now recognizes that he had been living by a "nonsensical code that only betrays yourself [and] others." Mr. Francis explained how he was deeply moved by the victim impact statement from the mother of Mr. Jones. Although he expected her to be angry at him, Mr. Francis found motivation in her words of forgiveness to "pick up the pieces."

The Board noted Mr. Francis' limited criminal record, prior to the governing offense, as not being consistent with that of a gang-involved individual. When Board Members inquired as to his relationship with his family, Mr. Francis described how he had maintained several jobs, including one with his father. However, he described a difficult relationship that was rooted in his father's distrust of his neighborhood acquaintances. Mr. Francis now recognizes that his father's actions were driven out of concern that he was "headed down the wrong path" and understands that he should have heeded his father's guidance. Mr. Francis described his pre-incarceration self as a young man, who "wanted to be accepted in the neighborhood" and would do "anything to fit in." Mr. Francis detailed a friendship with Mr. Hodge, and Mr. Hodge's younger brother, that evolved into participation with a Security Threat Group (STG) in Dorchester. Initially he described his involvement as being limited to the fact that he lived in STG territory. After questioning, Mr. Francis admitted to being involved in criminal activity that was directed by older gang members, including "hold[ing]" their guns and narcotics. He described how he "inherited conflict" from the older gang members and how he accumulated disputes, including a dispute with another STG, stemming from the murder of Mr. Hodge's younger brother.

When questioned as to the underlying events on the day of the murder, Mr. Francis said that (earlier in the day) Mr. Hodge had asked him to accompany him to a medical appointment, so that he could hold Mr. Hodge's gun. Since the murder of Mr. Hodge's younger brother, Mr. Hodge had frequently carried a gun and, occasionally, had Mr. Francis carry it for him. Upon questioning, Mr. Francis denied ever firing that gun before the day of the murder. He admitted, however, to firing other guns in the air to "try it out" and "see what it was like." Mr. Francis

explained that in the waiting room of the medical appointment, Mr. Hodge, acting out of "big brother" concern, took a knife from a female acquaintance. They left the medical office without seeing the doctor and immediately boarded a bus together. While sitting in back, Mr. Francis described how Mr. Hodge placed the knife on his (Mr. Francis') knees, before taking it back. Despite eyewitness testimony to the contrary, Mr. Francis denied that Mr. Hodge also stated something to the effect of "you should do this thing." At some point, a group of young men from a rival STG boarded the bus. According to Mr. Francis, these young men began to approach Mr. Hodge and Mr. Francis and then blocked the exits. Mr. Francis immediately began to panic, believing that he was being "backed into a corner" and about to be "jumped" by these individuals. So, he pulled out the gun and everyone, except Mr. Jones, froze. Mr. Francis stated that when Mr. Jones continued to walk towards him, he pulled the trigger and shot him. Mr. Francis repeatedly denied that he shot Mr. Jones in retaliation for the murder of Mr. Hodge's brother; rather, he claimed that he shot him out of fear. Board Members expressed concern over the factual inconsistencies in Mr. Francis' account, including material inconsistencies between Mr. Francis' written statement and his testimony at the hearing.

The Board noted a difficult institutional adjustment prior to Mr. Francis' 2016 transfer to MCI-Norfolk. In particular, the Board expressed concern about several gang-affiliated disciplinary reports that predated his transfer. Although Mr. Francis detailed the steps he has taken to formally disassociate and renounce his gang association, Board Members expressed concern with the delay in completing his disassociation and encouraged him to apply additional efforts to finalize this process. The Board, however, recognized Mr. Francis' transfer to MCI-Norfolk as a turning point in his institutional adjustment. Mr. Francis explained that he had never been in an institution like MCI-Norfolk, where he had so many programs available to him. He viewed these programs as part of a "puzzle" that would help him "rebuild" himself. Mr. Francis subsequently earned his high school equivalency diploma, an accomplishment that the Board applauded given his learning disabilities and developmental issues. Mr. Francis completed Emotional Awareness, Alternatives to Violence – Advanced, several Restorative Justice Retreats, Violence Reduction, and Jericho Circle. He also participated in African American Correlation Committee, Toastmasters, NEADS program, and Culinary Arts. Mr. Francis described how many of these activities, alongside his opportunity to meet Mr. Jones's uncle during his incarceration, assisted him in developing greater victim empathy.

The Board considered testimony from Mr. Francis' cousin, uncle, and friend in support of parole. The Board also considered a letter of opposition from Boston Police Commissioner William Gross.

### **III. DECISION**

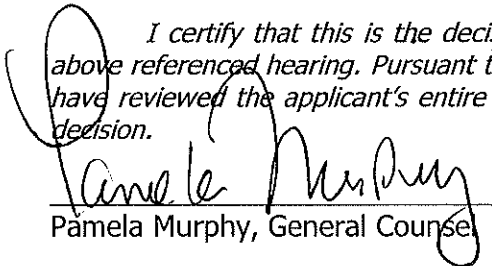
Mr. Francis has served approximately 15 years for the murder of Tacary Jones. Although his adjustment has been problematic at times, it appears [he is making] strides in his rehabilitation, as he started to engage in treatment and programming approximately five years ago. It is the opinion of the Board that he needs a longer period of positive adjustment. [His] last serious disciplinary infraction occurred in 2015. Additionally, he needs to continue to pursue his STG renunciation via the DOC (Department of Correction). At this time, his release is not compatible with the welfare of society.

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. 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 standard to the circumstances of Mr. Francis' case, the Board is of the opinion that O'Neil Francis is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Francis' next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Francis to continue working toward 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

3/4/2021  
Date