

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ROGER FRANCIS
W32337

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: December 18, 2024

DATE OF DECISION: April 8, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to a home plan 2 weeks after issuance of Decision.

PROCEDURAL HISTORY: On June 17, 2003,¹ following a jury trial in Plymouth Superior Court, Roger Francis was convicted of first-degree murder in connection with the death of Marialice Pike. He received the mandatory penalty of life in prison without the possibility of parole upon conviction of first-degree murder.

Mr. Francis became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), which 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, Mr. Francis was re-sentenced to life with the possibility of parole after 15 years.

¹ Mr. Francis' case has a lengthy post-conviction history. Mr. Francis was initially convicted of first-degree murder on November 3, 1967, and sentenced to life without the possibility of parole. In 1990, Mr. Francis' conviction was vacated after he won a motion for new trial. A plea agreement with the Commonwealth, which consisted of a plea to second-degree murder, was unsuccessful and Mr. Francis proceeded to trial. On June 17, 2003, Mr. Francis was convicted of first-degree murder and sentenced to life imprisonment without the possibility of parole.

On December 18, 2024, the Board held Mr. Francis' initial hearing. Mr. Francis was represented by Attorney Melissa Celli. The Board's decision fully incorporates by reference the entire video recording of the December 18, 2024, hearing.

STATEMENT OF THE CASE: On March 12, 1967, in Hingham, 20-year-old Roger Francis shot and killed 15-year-old Marialice Pike. Ms. Pike was discovered unconscious by a Massachusetts State Trooper who noticed her body in the median strip on Route 3 in Hingham. Ms. Pike, who had sustained multiple gunshot wounds, subsequently died from her injuries. Mr. Francis fled to Canada and abandoned his vehicle, which authorities eventually recovered. The car contained evidence linking Mr. Francis to the murder. Blood stains in the vehicle matched Ms. Pike's blood type. Bullet fragments were recovered that matched the bullets in Ms. Pike's body. Upon Ms. Pike's death, Mr. Francis was charged with her murder. When Mr. Francis was apprehended in Canada on a warrant, he told police, "I've been expecting you fellows" and asked if Ms. Pike was still alive. When police informed him that Ms. Pike died the day prior, Mr. Francis asked officers if he would "get the chair for first degree."

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.

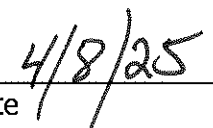
DECISION OF THE BOARD: This was Mr. Francis' first hearing before the Board. He is 78 years old and has served 44 years in prison. Mr. Francis was 20-years-old when he committed the offense. Based on available records, it appears that Mr. Francis was struggling with serious mental issues prior to the offense. He was initially convicted in 1967. He has had an unusual course of incarceration that included numerous psychiatric hospitalizations and varying treatment interventions. Mr. Francis' case was overturned in 1990. He was in the community on bail for 13 years before being convicted again in 2003. Mr. Francis also had three dozen furloughs and was working in the community from Medfield State Hospital until he was returned to custody in 1985 due to a change in DOC policy. Mr. Francis has had an extraordinarily positive adjustment throughout his incarceration, with no disciplinary reports, and has held positions of great trust. He has invested in self-development and maintains a significant support system. The Board considered the expert forensic evaluation and opinion of Dr. Leonard Bard, who stated Mr. Francis is at very low risk of re-offending. The Board also considered the recommendations and re-entry plan by Sarah Spencer, LISCW. The Board considered public testimony in rendering its opinion, including opposition from Plymouth County Assistant District Attorney Karen Palumbo. The Board concludes by unanimous decision that Mr. Francis has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Approve home plans before release; Waive work (retired); Supervise for drugs with testing in accordance with agency policy; Supervise for liquor abstinence with 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 evaluation; Must have substance abuse evaluation and comply with recommended treatment plan; Must have mental health counseling for adjustment.

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.



Tina M. Hurley, Chair



Date