

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT FOR SUFFOLK COUNTY

Suffolk, ss.

Case No. SJ-2025-_____

Robert Francis, Allen Alston, Tanzerius Anderson, Lewis Franklin,
Jabrai Copney, Sam Smith and Christopher Middlemiss,
Plaintiffs,

v.

Maura Healey, in her official capacity as Governor of the Commonwealth
of Massachusetts; Terrence Reidy, in his official capacity as Secretary
of the Executive Office of Public Safety and Security; Tina Hurley, in her
capacity as chair of the Massachusetts Parole Board;
and the Massachusetts Parole Board,
Defendants.

**Petition and Complaint Pursuant to G.L. c. 211, § 3,
G.L. c. 231A, §§ 1-5 and G.L. c. 249, § 5**

Introduction

This is a complaint and petition for declaratory and injunctive relief pursuant to G.L. c. 231A, §§ 1-5, and for relief pursuant to G.L. c. 211, § 3 and G.L. c. 249, § 5, for an order requiring the Defendants, particularly the Massachusetts Parole Board (“Parole Board”), to perform their statutory and constitutional duty to conduct parole hearings for the Plaintiffs in a timely manner.

In January 2024, the Supreme Judicial Court issued its decision in *Commonwealth v. Mattis*, 493 Mass. 216 (2024) (“*Mattis*”). The *Mattis* court concluded that Article 26 of the Massachusetts Declaration of Rights prohibits a sentence of life without parole for individuals convicted of first-degree murder for crimes committed when they were eighteen, nineteen, or twenty years old (i.e., emerging adults). The *Mattis* court remedied these unconstitutional sentences by declaring that emerging adults sentenced for offenses occurring prior to July 25,

2014, are eligible for parole consideration after serving fifteen years in prison. If the Parole Board determines that there is a reasonable probability an emerging adult “will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society,” they may serve their sentence outside prison walls. See G. L. c. 127, § 130.

General Laws c. 127, § 133A addresses the timing of these hearings. That statute requires that the Parole Board “shall, within 60 days prior to the expiration of such minimum term, conduct a public hearing before the full membership....” The Plaintiffs are a group of emerging adults who have all recently become parole-eligible because of the *Mattis* decision. Some have served multiple decades in prison, while others have only recently reached the fifteen-year mark. Either way, they are all entitled to a parole hearing immediately.

Each of the Plaintiffs has participated in available work opportunities and education or treatment programs, has demonstrated good behavior, and has made significant progress toward rehabilitation. Considering all these factors, combined with their young age and lack of maturity at the time of the offense for which they were sentenced to life in prison without the possibility of parole, the Plaintiffs are all reasonably likely to achieve parole after their hearings.

Despite their readiness for a parole hearing and their prospects for success, not one Plaintiff has had a parole hearing or even had their hearing scheduled. They have all been informed that they are likely to experience an indefinite delay before getting their hearing. The indefinite delays in receiving their mandated parole hearing violates the Plaintiffs’ respective art. 26 rights and denies them their meaningful opportunity to obtain release on parole. Accordingly, the Plaintiffs are entitled to relief in the form of a timely parole release hearing with a date established by this Court.

Parties

1. Plaintiff Robert Francis is currently imprisoned at MCI Shirley (Medium Security).
2. Plaintiff Allen Alston is currently imprisoned at MCI Shirley (Medium Security).
3. Plaintiff Tanzerius Anderson is currently imprisoned at Northeast Correctional Center (Minimum Security).
4. Plaintiff Lewis Franklin is currently imprisoned at NCCI Gardner (Medium Security).
5. Plaintiff Jabrai Copney is currently imprisoned at Pondville Correctional Center (Minimum Security).
6. Plaintiff Sam Smith is currently imprisoned at Old Colony Correctional Center (Medium Security).
7. Plaintiff Christopher Middlemiss is currently imprisoned at Pondville Correctional Center (Minimum Security).
8. Defendant Maura Healey is the Governor of the Commonwealth of Massachusetts.
9. Defendant Terrence Reidy is the Secretary of the Massachusetts Executive Office of Public Safety and Security.
10. Defendant Tina Hurley is the Chair of the Massachusetts Parole Board.
11. Defendant Massachusetts Parole Board (“Parole Board”) is an agency of the Commonwealth of Massachusetts, and its primary office is located in Natick, Middlesex County, Massachusetts.

Jurisdiction

12. This Court has original and concurrent jurisdiction over actions seeking a declaratory judgment pursuant to G.L. c. 231A, § 1 and actions in the manner of mandamus pursuant to G.L. c. 249, § 5.

13. This Court has general superintendence powers over inferior courts to correct and prevent errors and may issue writs and processes to courts and corporations and individuals for the furtherance of justice and to the regular execution of the laws under G.L. c. 211, § 3.

Factual Background

14. Parole has been in existence in Massachusetts since 1837. *See* Massachusetts Parole Board, 2022 Annual Report, 1 (April 2023). Available at <https://www.mass.gov/doc/2022-annual-report-1/download> (last accessed February 4, 2025).

15. The purpose of parole is to “provide[] prisoners with the opportunity to serve the balance of their term of imprisonment outside a prison provided that they comply with the conditions established by the Parole Board.” *Commonwealth v. Cole*, 468 Mass. 294, 298 (2014).

16. The Parole Board describes its “overall mission” as “promot[ing] public safety by the return of inmates to the community through supervised, conditional release, so that a successful transition from confinement to discharge from parole provides a basis for continued responsible conduct.” *See* Massachusetts Parole Board, 2022 Annual Report, 1 (April 2023). Available at <https://www.mass.gov/doc/2022-annual-report-1/download> (last accessed February 4, 2025).

17. The Parole Board is statutorily authorized to grant a parole permit to a prisoner where it determines 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.” G.L. c. 127, § 130.

18. General Laws c. 127, § 133A dictates the timing of an initial parole hearing for a prisoner serving a life sentence. The statute states, among other things, that “[t]he Parole Board shall, within 60 days before the expiration of the minimum term, conduct a public hearing before the full membership unless a member of the board is determined to be unavailable as provided in this section. Notwithstanding the previous sentence, the board may postpone a hearing until 30 days before the expiration of such minimum term, if the interests of justice so require and upon publishing written findings of the necessity for such postponement.” G.L. c. 127, § 133A.

19. Once a prisoner is granted a parole permit, the Parole Board determines the terms and conditions of the parole. *See* G.L. c. 127, § 130B. The Parole Board is also responsible for supervising parolees and revoking a parole permit when warranted. *See* G.L. c. 127, § 133A. *See also* 120 Code Mass. Regs. § 101.01(4)&(5)(2017).

20. Individuals convicted of first-degree murder were historically prohibited from obtaining parole. Due to the mitigating qualities of youth, the Supreme Judicial Court carved out an exception to this general rule in *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013) (“*Diatchenko I*”) for juveniles.

21. The *Diatchenko I* Court determined that a mandatory sentence of life without parole for individuals who were under the age of eighteen at the time of the offense for which they were convicted of murder in the first degree violates the prohibition against cruel and unusual

punishments as set forth in the Eighth Amendment to the United States Constitution and art. 26 of the Massachusetts Declaration of Rights.

22. Because the *Diatchenko* I Court held that the parole eligibility exceptions to G.L. chs. 127, § 133A and 265, § 2 were inapplicable to juveniles convicted of first-degree murder, such individuals became eligible for parole after serving fifteen years of their sentence. The rule in *Diatchenko* was subsequently codified in G.L. c. 279, § 24.

23. On January 11, 2024, the Supreme Judicial Court decided *Commonwealth v. Mattis*, 493 Mass. 216 (2024) (“*Mattis*”). *Mattis* extended the holding of *Diatchenko* and granted parole eligibility to individuals who were eighteen, nineteen and twenty years old at the time of the offense for which they were convicted of murder in the first degree and were sentenced to life without parole.

24. As a result of the *Mattis* decision, approximately 127 emerging adults formerly serving life-without-parole sentences became parole-eligible as a matter of law. The vast majority of this cohort are still waiting for their initial parole hearing to be scheduled.

25. Although the Plaintiffs have all served more than fifteen years of their sentence and have reached parole eligibility, they have neither had their initial parole hearings nor had their initial parole hearing scheduled.

26. The Parole Board has warned the Plaintiffs about significant delays they will experience before receiving their initial parole hearings.

27. On July 31, 2024, the Parole Board issued a letter to attorneys representing emerging adults with pending cases. That letter acknowledges that initial parole hearings will need to be held over time and that the Board plans to “schedule these hearings in an equitable

and efficient manner.” The letter further indicates that the Board plans to prioritize cases by “identify[ing] those who are currently furthest away from their newly calculated parole eligibility date” and offer a hearing date to those who are ready to appear. A true and accurate copy of the letter is attached hereto as **Exhibit A**.

28. A letter was issued to the Plaintiff Robert Francis on November 7, 2024, informing him of his newly calculated parole eligibility date. The letter also warned Mr. Francis that “[d]ue to the large number of individuals who have become immediately parole eligible, it will take some time to schedule a hearing for all affected individuals.” A true and accurate copy of the letter is attached hereto as **Exhibit B**. Similar letters were issued to the other Plaintiffs.

29. The Parole Board has only held a small number of initial parole hearings for eligible emerging adults. CPCS reliably estimates that eighteen *Mattis* hearings have been held thus far.¹

30. At the current rate, it will take years before all of the Plaintiffs have had their initial parole hearings. Additional emerging adults will become parole-eligible every year moving forward, potentially causing additional delays.

31. Plaintiffs are prepared for their initial parole hearing and have exhausted their administrative remedies by repeatedly requesting that their cases be scheduled for an initial parole hearing.

32. As demonstrated below, the Plaintiffs are all strong candidates for release onto parole supervision:

¹ Additional hearings are scheduled for later in February 2025 and March 2025. *See* <https://www.mass.gov/lists/life-sentence-hearing-calendar> (last accessed on February 4, 2025).

a. Robert Francis: Mr. Francis was originally sentenced to life without parole after being convicted by a jury of accessory before the fact to first-degree murder for a gang-related shooting in Springfield on February 28, 1995. Mr. Francis was eighteen years old at the time of his offense. He is now forty-eight years old.

Mr. Francis is prepared to show the Parole Board his maturity and rehabilitation. He earned his High School Equivalency Diploma shortly after arriving in prison. He has a demonstrated history of program involvement for over twenty years, with a strong emphasis on Alternatives to Violence programming. Mr. Francis is a talented artist and the winner of the Excellence in Creative Expression in Writing award in 2022 at MCI-Shirley. He is currently enrolled in The Last Mile, a nationally recognized coding program founded in California. Mr. Francis is among a small group of incarcerated individuals selected to join The Last Mile's pilot program in Massachusetts beginning in March 2023.

Mr. Francis has an especially close relationship with his twenty-eight-year-old daughter, Daesha, who was born after his arrest and has been the primary motivating factor in his life. In fact, Mr. Francis has designed a clothing line in his coding program that he plans to bring to market with Daesha. He also maintains a warm and supportive relationship with his mother, with whom he speaks daily.

Mr. Francis suffers from significant medical issues. He has been diagnosed with eosinophilic esophagitis, which prevents him from properly swallowing food and causes periodic choking episodes. A recent choking episode caused a tear in his esophagus that led to a near-fatal infection in November 2023. His medical condition causes substantial discomfort, as well as anxiety due to his lack of control over his treatment and diet.

b. Allen Alston: Mr. Alston was sentenced to life without parole following his conviction of first-degree murder for the shooting death of a cab driver in Brockton on May 16, 1997. When law enforcement arrested Mr. Alston, he confessed to the crime. Mr. Alston was nineteen years old at the time of the offense. He is now forty-seven years old.

Mr. Alston has demonstrated maturity and non-violence throughout his entire sentence. He has not had a single fight nor displayed any acts of aggression during his twenty-seven years of incarceration and has not received a disciplinary report in over eighteen years. He earned his High School Equivalency Diploma in 2001 and, more recently, has obtained certifications in Microsoft Office for Computers, American Culinary Federation Nutrition, OSHA 10 General Industries Training, and Serv Safe. He has completed Restorative Justice, Culinary Arts, and Violence Reduction, and is an active member of Men's Work, a group that convenes weekly to share and discuss trauma and healing. Additionally, Mr. Alston has been a steady, reliable employee in several jobs in the Department of Correction since 2001, including in the kitchen, industrial laundry, and property.

c. Tanzerius Anderson: Mr. Anderson was originally sentenced to life without parole after being convicted by a jury of first-degree murder for a robbery-related shooting death in Boston on March 27, 2000. Mr. Anderson was nineteen years old at the time of the offense and is now forty-four years old.

Mr. Anderson has an extraordinary history of holistic rehabilitation during his 24 years of incarceration. He has completed approximately 60 certificate programs and held leadership positions in several, including Alternatives to Violence, Restorative Justice, Mending Souls, Read to Me Father, African Heritage Coalition, and the Prison Empowerment Program. He organized a

yoga program in 2019 and maintains a consistent yoga practice that strengthens his self-awareness, self-control, and self-acceptance. From 2021 to 2025, Mr. Anderson was a leader in the Companion Program, where he was entrusted to work closely with people committed for inpatient psychiatric hospitalization at Bridgewater State Hospital within Old Colony Correctional Center. As a Companion, he completed the Certified Peer Specialist Training through the Kiva Center and is licensed in Massachusetts (Mass Certificate #2021138). In addition to working with patients individually, Mr. Anderson assisted in facilitating mental health classes, where he taught relapse prevention, cognitive behavioral therapy, and dialectical behavioral therapy. Prior to employment as a Companion, Mr. Anderson worked as a clerk in the MassCorr Print Shop for 11 years, and before that, as a janitor.

In early February 2025, the Department of Correction transferred Mr. Anderson to minimum security custody at Northeastern Correctional Center in Concord. Only a very small percentage of people in the *Mattis* cohort have been approved for transfer to minimum security due to the exceedingly high standard placed on individuals in the *Diatchenko* and *Mattis* cohorts for a minimum-security transfer by the Department of Correction.

Notably, throughout his entire incarceration, Mr. Anderson has incurred *only one* guilty finding for a relatively minor disciplinary report. Mr. Anderson has tremendous support from family, friends, and leaders in the community.

d. Lewis Franklin: Mr. Franklin was convicted of murder in the first degree for a homicide resulting from a street-level drug transaction on August 23, 2004. On that day, Mr. Franklin met with three individuals who wanted to buy a small amount of cocaine. He met with them and sold them a substance that was not cocaine. Later that day, the victim angrily

confronted Mr. Franklin about being ripped off. An altercation ensued during which Mr. Franklin shot the victim. He was approximately six weeks past his eighteenth birthday.

Mr. Franklin grew up in poverty in a section of Brockton known for high drug and gang activity. When Mr. Franklin was thirteen years old, his older cousin was released from prison and went to live with his family. Introduced to drug use and gangs by his cousin, Mr. Franklin began selling drugs in a misguided effort to get his family out of poverty. At the time of his crime, Mr. Franklin had dropped out of school and was selling drugs full-time.

Mr. Franklin has taken responsibility for his crime and is remorseful for his conduct. He has dedicated his incarceration to addressing his mental health, education, and involvement in programming, particularly violence reduction programming. His parole eligibility date, as calculated by the Board, is November 16, 2022.

e. Jabrai Copney: Mr. Copney is serving a life sentence after being convicted of murder in the first degree, on a theory of felony-murder, for the 2009 killing of a Cambridge resident. Mr. Copney, at the age of twenty years old, along with two companions, lured the victim into the basement of a Harvard University dormitory under the guise of a drug purchase with the intent to rob him. When the victim resisted the robbery and tried to run away, Mr. Copney pursued him and shot him. This was Mr. Copney's first arrest and conviction of any kind. He became parole eligible on May 20, 2024.

Mr. Copney grew up in poverty. From an early age, he witnessed repeated domestic violence perpetrated against his mother. The trauma that he sustained from the violence made him angry and caused him to leave home before the age of eighteen. He became homeless and sold drugs to survive.

During his incarceration, Mr. Copney has focused his attention on education and volunteering, emphasizing education for at-risk youth. He was integral to the founding of a Department of Correction-approved program that provides music therapy for incarcerated individuals with disabilities. Mr. Copney is currently enrolled at Mount Wachusett Community College, working towards a degree in Business Administration.

f. Sam Smith: A jury convicted Mr. Smith of first-degree murder in 2001 for a 1991 shooting, and he was sentenced to life without parole. Mr. Smith was nineteen years old at the time of the shooting.

At the time of his arrest in 1999, Mr. Smith was a small business owner living in the community with his wife and child. While incarcerated, Mr. Smith has sought outside programming, such as the Kiva Centers Certified Peer Specialist Training, to assist other incarcerated people better. He was a companion at Bridgewater State Hospital before that program closed. At the Old Colony Correctional Center, he uses his skills as a member of the companion program to de-escalate situations involving his peers. Other incarcerated people and the Department of Correction view Mr. Smith as a mentor.

Mr. Smith has a long history of education and programming. He is currently enrolled in the Massasoit Community College Associate's Degree Program. His long and consistent employment and program involvement history predates the *Mattis* decision and includes programs such as Alternatives to Violence, Restorative Justice, Cognitive Skills, and Anger Management.

Mr. Smith has also demonstrated good conduct in prison. He has not received a disciplinary report in fifteen years and has only received four in his twenty-five years of

incarceration. A classification board recently recommended unanimously that he be transferred to minimum security, although the commissioner declined to approve this transfer.

g. Christopher Middlemiss: Mr. Middlemiss is serving a life sentence following his 2010 conviction for murder in the first degree. He was convicted on a theory of felony-murder with armed robbery while masked and unlawful possession of a firearm as the predicate felonies. Mr. Middlemiss's plan to conduct a robbery with his co-defendant went awry, and the victim was shot and killed. He was 20 years old on the date of his offense and his parole eligibility date is July 21, 2021.

Mr. Middlemiss's childhood was marred by abuse and violence, a menacing stepfather, and seeing his teenage friends being shot and killed. Notwithstanding these circumstances, he has achieved a sense of self through extensive Department of Correction programming, most notably in Restorative Justice programs. He now teaches and runs programs for inmates focused on emotional awareness and conflict resolution. Mr. Middlemiss has persevered in his rehabilitation efforts despite a serious mental health history, which he proactively treats.

The Department of Correction recently transferred Mr. Middlemiss to minimum security, recognizing his good behavior and his lack of disciplinary reports. He has many supportive family members with whom he regularly maintains contact and are prepared to assist with his reintegration should he be released on parole.

Count I – Declaratory Relief
Violation of art. 26 of the Massachusetts Declaration of Rights
(G.L. c. 231A, §§ 1-5)

33. The Plaintiffs incorporate all preceding paragraphs as if restated herein.

34. Art. 26 of the Massachusetts Declaration of Rights requires that emerging adults, who were originally sentenced to life without parole for an offense that occurred prior to August 12, 2012, receive a meaningful opportunity to obtain release based upon demonstrated maturity and rehabilitation after serving fifteen years of incarceration.

35. The Parole Board has violated the Plaintiffs’ art. 26 rights by failing to conduct their initial parole hearings in a reasonably and meaningfully timely manner.

36. If Plaintiffs were provided with their initial parole hearing in a timely manner, as required by art. 26, they would have a reasonable likelihood of being granted parole.

Count II – Declaratory Relief
Violation of G.L. c. 127, § 133A
(G.L. c. 231A, §§ 1-5)

37. The Plaintiffs incorporate all preceding paragraphs as if restated herein.

38. Under G.L. c. 127, § 133A, the Parole Board “shall, within 60 days before the expiration of such minimum term, conduct a public hearing before the full membership . . .”

39. The Plaintiffs have already obtained parole eligibility.

40. The Defendant Parole Board’s failure to conduct timely public hearings in Plaintiffs’ cases violates G.L. c. 127, § 133A.

Count III – Declaratory Relief
Violation of art. 12 of the Massachusetts Declaration of Rights
(G.L. c. 231A, §§ 1-5)

41. The Plaintiffs incorporate all preceding paragraphs as if restated herein.

42. Art. 12 of the Massachusetts Declaration of Rights prohibits the deprivation of life, liberty, or property without due process.

43. By failing to conduct an initial parole hearing in a reasonably and meaningfully timely manner in violation of art. 26, the Parole Board is violating the Plaintiffs' rights to procedural due process under art. 12.

Count IV - Mandamus Relief
(G.L. c. 249, § 5)

44. The Plaintiffs incorporate all preceding paragraphs as if restated herein.

45. This Court has the authority to issue a writ of mandamus and order that governmental officials perform non-discretionary actions.

46. The Defendant Parole Board is statutorily obligated to provide initial parole hearings to parole-eligible prisoners.

47. The Plaintiffs should be granted mandamus relief and the Defendant Parole Board should be ordered to perform the non-discretionary function of giving timely parole hearings to Plaintiffs.

Count V – General Superintendence Powers
(G.L. c. 211, § 3)

48. The Plaintiffs incorporate all preceding paragraphs as if restated herein.

49. A petition under G.L. c. 211, § 3 is an appropriate vehicle for deciding a case that presents an issue of systematic importance affecting the proper administration of justice.

50. Relief is warranted under G.L. c. 211, § 3 because an executive branch agency's failure to comply with its statutory obligation to provide timely parole hearings has resulted in an

ongoing violation of emerging adults' art. 26 right to a meaningful opportunity to obtain release on parole. *See Deal v. Commissioner of Correction*, 475 Mass. 307, 319-320 (2016).

51. Relief is also warranted under G.L. c. 211, § 3 because the rights of many persons are being violated, and a just, timely, and practical remedy is required. *See Bridgeman v. District Attorney for Suffolk District*, 476 Mass. 298, 318 (2017).

Count VI – Injunctive Relief

52. The Plaintiffs incorporate all preceding paragraphs as if restated herein.

53. The Plaintiffs seek permanent injunctive relief requiring the Defendant Parole Board to conduct their initial parole hearings in a timely manner.

54. The Plaintiffs can demonstrate a reasonable likelihood of success on the merits of their claim that they are entitled to a meaningful opportunity to obtain release based upon demonstrated maturity and rehabilitation.

55. The Plaintiffs have been irreparably harmed by the unreasonable delay in the opportunity to demonstrate their maturity and rehabilitation.

56. The balancing of harms weighs in favor of the Plaintiffs.

57. The public interest is served when the rehabilitative goals of incarceration are met, and prisoners can be paroled to their families and communities.

Prayers for Relief

WHEREFORE, Plaintiffs Robert Francis, Allen Alston, Tanzerius Anderson, Lewis Franklin, Jabrai Copney, Sam Smith and Christopher Middlemiss respectfully request that this Court grant the following relief:

- a. Declare that the Defendants have violated the Plaintiffs' statutory and constitutional rights by virtue of the Massachusetts Parole Board's failure to conduct hearings on the Plaintiffs' parole petitions in a reasonably timely manner;
- b. Enter an order requiring the Defendant Massachusetts Parole Board to perform its lawful duty to conduct parole hearings for the Plaintiffs in a reasonably timely manner with a date established by this Court and not to exceed ninety (90) days;
- c. Enter judgment in the Plaintiffs' favor; and
- d. Order any other relief, including but not limited to injunctive relief, that this Court deems reasonable and just.

Respectfully submitted,

Robert Francis, Allen Alston, Tanzerius Anderson,
Lewis Franklin, Jabrai Copney, Sam Smith and
Christopher Middlemiss,
By their attorneys,

Matthew J. Koes

Matthew J. Koes | BBO No. 668682
M. Koes Law, LLC
340 Union Avenue
Framingham, MA 01702
(508) 598-7060
mkoes@mkoeslaw.com

Dated: February 17, 2025.

Verification

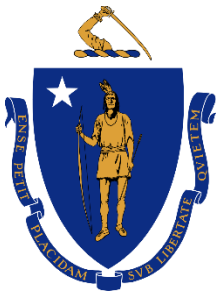
I, Matthew J. Koes, counsel for the plaintiffs, hereby affirm under the pains and penalties of perjury that the allegations in the Complaint that relate to the plaintiffs are true and correct to the best of my knowledge, information, and belief.

Matthew J. Koes

Dated: February 17, 2025.

Matthew J. Koes, Esq.

Exhibit A



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Maura T. Healey
Governor
Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

Telephone: (508)-650-4500
Facsimile: (508)-650-4599



Tina M. Hurley
Chair
Lian Hogan
Executive Director

July 31, 2024

Dear Counsels:

The Parole Board has been working diligently to determine how best to address the influx of cases before the Board as a result of the Supreme Judicial Court's decision in *Commonwealth v. Mattis*. We have appreciated your outreach to us in providing notices of appearance and updated mittimus as they become available. The Department of Correction has also been providing us sentencing updates from the courts.

The reality, which I believe everyone recognizes, is that the parole hearings generated as a result of the *Mattis* decision will need to be scheduled over time. The Board has been working on how to schedule these hearings in an equitable and efficient manner. Currently, we are maintaining a list of each incarcerated person affected by the *Mattis* decision as well as other factors including the individual's length of incarceration, age, and sentence. We are calculating each person's parole eligibility date as we receive their updated mittimus. From this process, our goal is to identify those who are currently furthest away from their newly calculated parole eligibility date, determine if they would be ready to appear before the Parole Board, and offer a hearing date. Given that each person in the affected cohort is represented by counsel, our outreach for scheduling will go through counsel. Our plan is to start scheduling hearings in September as time permits and continue working through the group until all persons seeking a parole hearing have one.

As each individual has been appointed counsel, we have not reached out directly to your clients. We appreciate they likely have questions regarding their hearing. We are here to assist in that education process. However, at this juncture, we are hoping each of you can communicate to your clients that this is a process, the hearings will be happening, and each individual and their attorney will be receiving a letter indicating their newly calculated parole date.

We hope you will be understanding and patient as this is an unprecedented amount of additional cases to add to the Parole Board's calendar. Again, we appreciate your advocacy for your clients. We too wish to provide each individual with a meaningful hearing before the Parole Board.

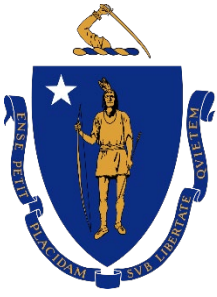
Please feel free to reach out with any questions or concerns.

Sincerely,

Tina M. Hurley, Chair

Judith Lyons, General Counsel

Exhibit B



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
PAROLE BOARD
12 Mercer Road
Natick, Massachusetts 01760



Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

Telephone: (508)-650-4500
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Tina M. Hurley
Chair

Lian Hogan
Executive Director

November 7, 2024

Robert Francis
W60193
MCI - Shirley

RE: Francis, Robert W60193: Parole Eligibility

Dear Mr. Francis:

You have been identified as a person who is directly impacted by the Supreme Judicial Court's decision in *Commonwealth v. Mattis*, 493 Mass. 216 (2024). As a result of the decision, individuals convicted of first-degree murder who were 20 years old or younger at the time of the crime and are serving life without parole sentences are now eligible for a parole hearing upon completion of a certain number of years of their sentence, as set by the court. The Parole Board has received your corrected mittimus from the Court. As a result, your parole eligibility date has been calculated by the Massachusetts Parole Board and is **8/16/2010**.

You will be afforded the opportunity to appear in front of the Massachusetts Parole Board for a hearing. Due to the large number of individuals who have become immediately parole eligible, it will take some time to schedule a hearing for all affected individuals. You have been provided counsel by CPCS. Please discuss with your attorney the process for scheduling a parole hearing.

If you do not believe you have an attorney or are unclear how to reach your attorney, please contact CPCS at 617-482-6212

Sincerely,

Joyce Crosby
Director, Life Sentence Unit

cc via email: Shawn Jenkins, Interim Commissioner, Department of Corrections
Mitzi Peterson, Deputy Commissioner, Department of Corrections
Abbe Nelligan, Assistant Deputy Commissioner, Department of Corrections
Karen Swank, Director, Department of Corrections
Janice Hebert, Director, Department of Corrections
Chrissy Ruuska, Director, Department of Corrections
Meghan Winston, Chief Transitional Services, Massachusetts Parole Board
Katherine Moran, Director of Victim Services, Massachusetts Parole Board
Suzan Collette, Institutional Parole Officer, MCI - Shirley