

Receivership Update and Tony Francis Sentencing

Receivership Extended

At a status conference hearing held on March 11th, the court extended the receivership until April 15th to allow time to complete the transfer of the Benjamin to Allaire and other matters. The next status conference hearing will be at 2:00pm on Monday April 13th in courtroom 1008 at Suffolk Superior Court.

Tony Francis Sentencing

On February 25th, Francis pled guilty to 2 federal claims charging misapplication of funds concerning programs receiving Federal funds, in violation of 18 U.S.C. § 666.

Francis faces the following maximum penalties as to Counts One and Two:

incarceration for 10 years; supervised release for 3 years; a fine of the greater of \$250,000 or twice the gross gain or loss; a mandatory special assessment of \$100; restitution; and forfeiture.

Sentencing Guidelines

The parties agree, based on the following calculations, that Defendant's total "offense level" under the Guidelines is 10:

- a) Defendant's base offense level is 6, because the offense of conviction for Counts One and Two has a statutory maximum term of imprisonment of less than 20 years (USSG § 2B1.1(a)(2));
- b) Defendant's offense level is increased by 6, because the loss exceeded \$40,000 (USSG § 2B1.1(b)(1)(D));
- c) Defendant's offense level is increased by 2, because Defendant abused a position of trust (USSG § 3B1.3);
- d) Defendant's offense level is decreased by 2, because Defendant has accepted responsibility for Defendant's crimes (USSG § 3E1.1); and
- e) Defendant's offense level is decreased by 2, because Defendant meets the eligibility for the zero-point offender adjustment (USSG § 4C1.1).

Defendant understands that the Court is not required to follow this calculation or even to sentence Defendant within the Guidelines and that Defendant may not withdraw Defendant's guilty plea if Defendant disagrees with how the Court calculates the Guidelines or with the sentence the Court imposes.

Defendant also understands that the government will object to any reduction in Defendant's sentence based on acceptance of responsibility if: (a) at sentencing, Defendant (directly or through counsel) indicates that Defendant does not fully accept responsibility for having engaged in the conduct underlying each of the elements of the crimes to which Defendant is pleading guilty; or (b) by the time of sentencing, Defendant has committed a new federal or state offense, or has in any way obstructed justice.

Nothing in this Plea Agreement affects the U.S. Attorney's obligation to provide the Court and the U.S. Probation Office with accurate and complete information regarding this case.

Sentence Recommendation

The U.S. Attorney agrees to recommend the following sentence to the Court:

- a) either a sentence of imprisonment at the low-end of the Guidelines sentencing range as calculated by the parties in Paragraph 3 plus a term of supervised release, pursuant to USSG § 5C1.1(c)(1), or a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention, pursuant to USSG § 5C1.1(c)(2), or a sentence of probation that includes a condition or combination of conditions that substitute home detention for imprisonment, pursuant to USSG § 5C1.1(c)(3);
- b) a fine within the Guidelines sentencing range
- c) 24 months of supervised release;
- d) a mandatory special assessment of \$200, which Defendant must pay to the Clerk of the Court by the date of sentencing;
- e) restitution of \$43,655.50 (the "Restitution Amount").

The US Attorney of Massachusetts will offer a sentence of 6-months, which might not include any jail time, restitution to Benjamin of \$43,655.50 (we have filed a \$3million dollar civil lawsuit) and 24 months of supervised release.

Victim Impact Statement (VIS)

You can submit a statement in writing.

Date: Please include the date the statement was written and then include this below in the header:

United States v. Tony Francis

Docket #: 26-CR-10032

Sentencing Date: 5/20/2026

Victim Impact Statement

Dear Judge Talwani,

Email your statement directly by Monday May 11 to:

Nicole Valila Nicole.valila@usdoj.gov

Victim Assistance Specialist

United States Attorney's Office- D-MA

U.S. Department of Justice

Your statement will be submitted to the court ahead of sentencing for the judge to consider. There is no limit on written submissions.

Speaking at Sentencing

At the discretion of the judge, a few people may be allowed to speak on record as the actual victim in this case is the Benjamin. Receiver Joseph Feaster and Leslie Joseph Henderson will speak on behalf of The Benjamin. **If you would like to be considered to speak at the hearing, please make your request to Joseph Feaster at jfeaster@daintorpy.com by April 30th.**

If you have any questions prior, please do not hesitate to reach out to Joseph Feaster.

The sentencing is scheduled for May 20th at 11am, courtroom 9.