



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

EMIL PETRLA

W43504

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 13, 2011

DATE OF DECISION: October 5, 2012

PARTICIPATING BOARD MEMBERS: Cesar A. Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Mr. Petrla's request for parole is denied. The review of that decision will be in five years. The decision is unanimous.

I. INTRODUCTION

Emil Petrla appeared before the Massachusetts Parole Board on October 13, 2011 for a review hearing on a life sentence he is currently serving at MCI-Concord. On April 14, 1987, in Middlesex Superior Court, Mr. Petrla was convicted of second-degree murder and sentenced to life imprisonment. On that same date he also received a concurrent life sentence for armed robbery. The victim of his crimes was Wilfred A. McGrath.

II. STATEMENT OF THE CASE

On March 27, 1986, Co-Defendants Emil Petrla, Michael Sullivan and Steven Angier were in the company of Wilfred McGrath (victim) in the apartment of Debbie Sullivan, Michael Sullivan's sister. The group left in a taxi to go to Gary Grace's apartment, an associate of all parties present.

While at Gary Grace's apartment in Cambridge, an argument over cocaine ensued between Wilfred McGrath and Michael Sullivan. Mr. Petrla got involved in the argument by striking Mr. McGrath on the head. Mr. Petrla and Mr. Sullivan continued the attack by striking more blows to the head and kicking Mr. McGrath in the head and body.

Mr. Petrla, Gary Grace, and Michael Sullivan deposited the body behind an abandoned grocery store in Somerville. Mr. McGrath was alive for approximately one hour after being left behind the store. The cause of death was severe trauma to the brain caused by blows with a blunt object, combined with extensive blood loss. Mr. Petrla was arrested when he was found in Lakeville on April 6, 1986. Sullivan and Grace were also charged. Grace entered into a plea agreement and testified at Sullivan's trial. Mr. Petrla testified for the defense. Sullivan was convicted of first degree murder and remains incarcerated.

III. CRIMINAL AND INSTITUTIONAL HISTORY

Mr. Petrla is currently serving his fourth incarceration after three prior county sentences. His history consists of 34 arraignments with convictions for several larcenies, and two breaking and entering offenses.

Mr. Petrla has completed no educational programming while incarcerated. He has no specific vocational training prior to or during his incarceration. He entered the country illegally in 1973 from the former Czechoslovakia. There is an ICE detainer lodged against the inmate. Although he reports a high level of anxiety and was prescribed medication in the past, he is neither on medication nor engaged in counseling. He states he does not feel he has a substance abuse issue yet he has incurred five substance abuse related disciplinary reports. Mr. Petrla's overall institutional conduct has been very poor, having incurred two DDU placements, three returns to higher custody and over 55 Disciplinary reports. His disciplinary reports include many for threatening, assaultive and abusive behavior, and failures to obey direct orders. Since Mr. Petrla's last parole hearing he has incurred 12 disciplinary reports and been minimally program involved. In January 2011 he threatened to kill two corrections officers.

IV. PAROLE HEARING ON OCTOBER 13, 2011

Mr. Petrla's presentment before the Board was poor and he failed to demonstrate any convincing evidence of rehabilitation. He now offers a different version of the crime than he gave in 2006. In 2006 he stated the argument concerned cocaine and he described the actions of his co-defendants in the apartment and disposing the body. At this hearing he said that the dispute concerned money, not drugs, and that no one else was present when he beat Mr. McGrath. He also denied that anyone assisted him in hiding the body. The testimony Mr. Petrla gave at Michael Sullivan's trial is inconsistent with both versions he has presented to the Parole Board.

He stated that he is a changed man however nothing in his institutional record evidences that. Since his last hearing he has incurred 12 additional disciplinary reports, he has engaged in only minimal programming after years of no programs and does not present a viable post release plan. At various times during the hearing Mr. Petrla presented as either confused or not entirely honest. Most concerning is his well-documented propensity for violence and threatening behavior, demonstrated as recently as January 23, 2011 when he was issued a disciplinary report for threatening to kill two corrections officers.

V. DECISION

The applicable standard in assessing candidates for parole is found in 120 CMR 300.04, which states "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." Mr. Petrla has failed to present sufficient evidence of rehabilitation to meet this standard.

It is the unanimous opinion of the Board that Mr. Petrla's release is not compatible with the welfare of society and reasonably probable that Mr. Petrla would re-offend if paroled. Because Mr. Petrla has not shown much inclination or progress towards reformed behavior, there is no reason to shorten the review period from five years.

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



Timothy V. Dooling, General Counsel

10/5/12

Date