



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Deval L. Patrick  
Governor

Andrea J. Cabral  
Secretary

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

Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**LEO FARLAND**

**W34867**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** February 11, 2014

**DATE OF DECISION:** September 29, 2014

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard Hogan, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, and the inmate's testimony at the hearing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

Leo Farland appeared before the Massachusetts Parole Board for a revocation review hearing following his return to custody as a parole violator on September 6, 2007. He is currently incarcerated at NCCI-Gardner.

Leo Farland (23 years old) and Peter Martin planned to rob the sexton of the Ascension Catholic Church in Worcester that was located directly across the street from Martin's home. On July 21, 1974 at approximately 11:25 a.m., Farland waited outside the church and the sexton, Chester Szklarz, exited the church with more than \$200 in donations from the morning services. As he walked toward the rectory with the funds, he was shot and killed by Peter Martin who fired from his home across the street. Farland ran to the injured victim, grabbed the bag of money, and ran from the scene across the street to his co-defendants' house where he hid in the basement.

On February 11, 1975, three days into his jury trial in Middlesex Superior Court, Leo Farland pleaded guilty to the second degree murder of 51-year-old Chester Sklarz and was sentenced to life imprisonment with the agreement that he would testify for the Commonwealth against Peter Martin. At Martin's trial, however, Farland refused to testify. On February 27, 1975, Farland was sentenced to 6 to 8 years from and after the life term for the armed robbery related to the murder of Mr. Sklarz. Additionally, on November 26, 1975, in Worcester Superior Court, Farland received a 12 to 15 year sentence for armed robbery and an additional 8 to 10 year sentence for assault and battery with a dangerous weapon. These sentences were ordered to run from and after the life sentence, but concurrent with each other. These crimes occurred on July 18, 1974 in Grafton and are unrelated to the murder.

## **II. PAROLE HISTORY**

Leo Farland was denied parole in 1989, 1990, 1993, 1995 and 2000. In their denials, the Parole Board noted the bizarre nature of the crime, the premeditated action of Farland, his lack of cooperation with the District Attorney after entering into an agreement to testify, and the perception that he is not sincerely remorseful for his offenses.

In August 2005, Farland received a reserve vote and was released to parole supervision on November 5, 2005. Upon release, Farland lived in Boston at the Veteran's Homeless Shelter, worked at different part-time jobs, was diagnosed with Post Traumatic Stress Disorder and began receiving services through the Veteran's Outreach Program. After a year, he moved to Haverhill in his own apartment. Farland continued to move from job to job mostly in a part-time capacity. He attended church and Bible studies.

On September 6, 2007, Leo Farland was returned to custody due to a 51A Report being filed alleging inappropriate conduct with his eight-year-old step granddaughter. Farland participated in a conversation with the young girl about how babies are created. In response to the girl's question "Where do babies come from?" Farland answered, "The man puts his thing into the girl's thing and nine months later a baby comes out." On October 24, 2007, the Board released Farland with the added condition that he have no unsupervised contact with children under the age of 16. On November 5, 2007, his parole officer requested that the Board add the condition that Farland subject himself to random polygraph exams in order to monitor the added condition. His parole officer noted that Farland lives in a densely populated neighborhood, full of young children. Farland subsequently had numerous polygraph exams that were inconclusive but he did admit to unsupervised contact with children under the age of 16. Farland constantly placed himself in situations in which the condition could be violated. He has a significantly younger peer group that consists of young single mothers of low income.

In August 2010, Farland was again returned to custody after an arrest for three counts of indecent assault and battery on a child under 14. Farland was indicted on the charges in March 2011 and the cases were eventually Nolle Prossed.

### **III. PAROLE HEARING FEBRUARY 11, 2014**

Leo Farland appeared before the Board for his revocation review hearing on February 5, 2014. He declined to make an opening statement and started answering questions regarding what he has focused on since his return to custody. Farland said "I don't need to work or do any programs because I have completed all the programs available to me and I have income from my Veteran's pay." He explained that he spends his time studying and helping others with their problems. He said he has completed a paralegal class, an advanced course on criminal law and a class on civil litigation. He identified the symptoms of his PTSD including insomnia, fear of small places, fear of large crowds and people he doesn't know and a fear of elevators. He described how exciting it was to get out of prison after 31 years, but said that there were no transitional services available to him. He then admitted that the parole office was very helpful in assisting with his financial difficulties. He said at the time of his arrest, he was living in Haverhill, working at a vending company in the customer service department, going to church on Sundays, attending Bible classes, and spending a majority of time as a loner in his apartment playing video games.

When asked why he was back in prison, Farland said it was because he was set up by his neighbor who made up a story about him molesting his niece so that he could steal money from Farland's bank account. It turns out that this neighbor did steal money from Farland's bank account, but the neighbor did not report the story about the molestation. It was the victim's mother who told the police about Farland's alleged inappropriate contact. He emphasized to the Board Members throughout the hearing that he did not touch the girl, that there was no evidence that he did touch the girl, and that the case was not prosecuted. Farland failed to see any other reason why his case would be dropped other than that he did not do it. A Board Member pointed out that it is common that a child victim of sexual assault is unable to testify, thus resulting in a dismissal of the case.

When Farland was asked to speak about the murder, he said it was very simple. He waited for the sexton to come out, Martin shot him and Farland grabbed the money and ran. He said that the plan was not to kill Mr. Sklarz, stating that "the plan was only to shoot if Martin felt like he needed to" and that he did not think Martin would shoot. The Board did not accept this as accurate. Farland was asked about his appeals and he said that he only filed one motion to withdraw his guilty plea and request for a new trial and did so because he "wasn't getting anywhere with parole." He also mentioned that he filed suit against the Parole Board when they added the conditions regarding no unsupervised contact with children under 16, but that he has since dropped the suit.

Farland was asked about the pictures of children's clothing that he had shown to his son and parole officer that had sexually explicit phrases on it that he found to be amusing. At first he said that they were funny, but backed away from that sentiment later in the hearing stating, "No, I did not think those were funny." He then began to blame the parole officer for making more of an issue than she needed to. He continued saying that he "objected to her opinion about the pictures and objected to her personally." Farland became angry and spoke contentiously saying, "That lady and I never got along. She rode me hard. She was proud to wear her badge, gun and handcuffs so everyone could see them; so everyone would know I was on parole. It insulted me and was unfair. She would leave me notes on her Parole business card and leave it in my doorway if I wasn't home. It was unfair. Maybe she has

something against lifers.” Earlier in the hearing, Farland had indicated that he made sure everyone knew he was on parole and what his conditions of release were. But when discussing his parole officer it was very apparent that he was upset by her supervisory visits. It was pointed out to Farland that everything he was complaining about involved a job requirement for his parole officer. She is required to visit his apartment. She is required to display her badge and carry a weapon and handcuffs. She is also required to verify information, like showing up at a job he said he had. It is also expected that she leave a card if he was not home. Farland showed that he resented basic parole supervision.

Farland became defiant, obstinate and argumentative with the Board. He refused to answer questions about his family and why they were “taken away from him by his brother.” He refused to answer questions regarding two eight-year-old girls involved in his recent troubles. He was accused of molesting one of the girls and he admitted to talking inappropriately to the other young girl. He minimized his responsibility in the conversation about sex with his step-granddaughter. He wanted the Board to understand that she was the one that initiated the conversation stating that “she asked the question, I just answered.” He made it sound like it was simply a mistake that anyone could have made. A Board Member pointed out it is inappropriate to talk to an eight-year-old girl, who is not your child, about sexual matters. Farland disagreed and said that he has found a lot of people who agree with him that it was just a mistake.

The Board suggested to Farland that he has continually rejected outright or resisted the conditions of his release. He has put himself in the position to be in violation of the conditions of parole, specifically by surrounding himself with young single mothers with young children. He failed to see the point when Board Members discussed how his actions of providing food, clothes and toys could be seen as manipulation of these women.

Farland tried to end the hearing himself and said he would not answer any more questions, but sit there until it was over. Farland said that he would not give a closing statement because he did not think it mattered what he said. He then said about the hearing that the Board violated his constitutional rights by revoking his parole without any proof that he violated his parole conditions and that they rely only on their own personal beliefs. He said, “We will see where it goes from here.” When asked what he meant, he responded with, “You’ll see.” He was then given one last opportunity to tell the Board about his rehabilitation and answered with, “I am not rehabilitated according to anybody here. That’s enough. I’m done.”

No one spoke in support of parole. One family friend and three members of Mr. Sklarz’s family spoke in opposition to parole. Worcester Assistant District Attorney Michelle King spoke in opposition of Farland’s parole.

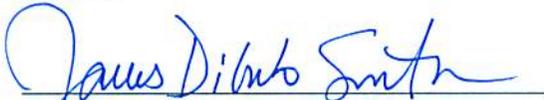
#### **IV. DECISION**

Leo Farland participated in the armed robbery and murder of Chester Sklarz, the sextant at Ascension Catholic Church in Worcester. He pleaded guilty to second degree murder three days into his jury trial after making an agreement that he would testify against his co-defendant, Peter Martin. At Martin’s trial, Farland refused to testify, going against his agreement with the DA. He was paroled in 2005; returned to custody in 2007 for an admission to having an inappropriate sexual conversation with an eight-year-old girl unrelated to him;

released back into the community with added conditions which he actively sought to undo through the court system and then rejected or resisted the conditions during his time on parole. He was returned to custody in August 2010, following an arrest for three counts of indecent assault and battery on a child under 14. The allegations again involved an eight-year-old girl unrelated to him who he is alleged to have touched inappropriately. Those charges were Nolle Prossed. He minimized his role in these violations, down played their seriousness and rejected the notion that he might need to address issues regarding his relationships with young children. He became frustrated when he could not control his parole hearing and the Board Members, just as he was frustrated with his lack of control over his release conditions and his parole officer.

The standard for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such an 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." Applying that appropriately high standard, the Parole Board concludes, that Leo Farland is not suitable for parole because he is not rehabilitated. The period of review will be five years from the date of the hearing. During this time, Farland should invest in rehabilitative programming to address issues regarding inappropriate contact and behavior with children, control, anger, lack of candor, and lack of empathy.

*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.*

  
Janis DiLoreto Smith, General Counsel

9/29/14  
Date