



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**EMIL PETRLA**

**W43504**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** October 13, 2016

**DATE OF DECISION:** March 13, 2017

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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

**I. STATEMENT OF THE CASE**

On April 14, 1987, in Middlesex Superior Court, a jury convicted Emil Petrla of the second degree murder of Wilfred McGrath. Accordingly, Mr. Petrla was sentenced to life imprisonment with the possibility of parole.

On March 7, 1986, Emil Petrla (then 42-years-old), Michael Sullivan, and Steven Angier were in the company of Wilfred McGrath in the Cambridge apartment of Gary Grace. An argument ensued (over cocaine) between Mr. McGrath and one of Mr. Petrla's associates. Mr. Petrla involved himself in the argument by striking Mr. McGrath on the head. Mr. Petrla continued to attack Mr. McGrath by striking more blows to his head, as well as kicking him in the head and body. Mr. Petrla, and others present at the scene, then put the victim in the trunk of their car and deposited him behind an abandoned grocery store in Somerville. Mr. McGrath's body was found the next day behind the store.

## **II. PAROLE HEARING ON OCTOBER 13, 2016**

Mr. Petrla, now 73-years-old, appeared before the Parole Board on October 13, 2016, for a review hearing. He was not represented by an attorney. Mr. Petrla was denied parole after his initial hearing in 2001. At his subsequent review hearings in 2006 and 2011, he was again denied parole. Mr. Petrla has an Immigration and Customs Enforcement (ICE) detainer lodged against him for deportation to his native country of (what is now) the Czech Republic.

At this hearing, Mr. Petrla declined to give an opening statement. He informed the Board that he has not availed himself of programming in the past five years. He said that he has multiple medical issues, resulting in several surgeries over the past few years. He is currently employed doing janitorial work and spends his days reading and exercising because there is "not much do to." The Board remarked on Mr. Petrla's significant lack of programming over his 30-plus years of incarceration. One Board Member asked Mr. Petrla why he has repeatedly ignored the advice of prior Parole Board Members to become program-involved. Mr. Petrla responded that "I've done all the programming I can. I don't know what else I should be doing."

The Board asked Mr. Petrla to describe the circumstances surrounding the murder. Mr. Petrla said that he and Mr. Grace were the only two people present when they beat the victim to death and then disposed of the body behind a grocery store. Board Members questioned Mr. Petrla's credibility since (at prior hearings) he provided different versions of events to the Board. At his hearing in 2006, he told the Board that there were more than two people present when he and his associates murdered the victim and disposed of the body. However, in 2011, he told the Board that no one else was present when he, alone, beat the victim to death and disposed of the body. Mr. Petrla offered the current Board no explanation for his inconsistent testimony.

The discussion then turned to Mr. Petrla's poor institutional adjustment. During his incarceration, Mr. Petrla has incurred 58 disciplinary reports, two DDU placements, and three returns to higher custody. His disciplinary reports include violent, threatening, and assaultive behavior, as well as failure to obey direct orders and substance abuse. Most recently, he received disciplinary reports for threatening to kill two corrections officers (in 2011) and for fighting with another inmate (in 2012). Board Members questioned Mr. Petrla about the 2012 incident, expressing concern that, at age 69, he still resorted to physical violence when confronted by another individual. Mr. Petrla told the Board that both he and the other inmate threw punches at each other and that "sometimes you have to take a stand – you know? You have to stand up for yourself." When questioned about his substance abuse history, Mr. Petrla told the Board he was intoxicated and high on cocaine at the time of Mr. McGrath's murder, and that drug and alcohol addiction fueled his behavior that night. He said he has been sober for 16 years and does not currently attend AA/NA meetings "because I don't think I need it." He told the Board that his last attendance at an AA/NA meeting was over a decade ago.

Mr. Petrla did not provide a parole plan other than that of deportation to the Czech Republic, where he said he could live with his brother. He did not have any supporters in attendance at his hearing and declined to provide a closing statement. Middlesex County



Assistant District Attorney Adrienne Lynch testified in opposition to Mr. Petrla being granted parole.

### **III. DECISION**

The Board is of the opinion that Emil Petrla has failed to demonstrate evidence of rehabilitation or that he is a suitable candidate for parole. Mr. Petrla has yet to engage in relevant programming, and he continues to exhibit anti-social behavior. He has provided numerous inconsistent statements to the Board. In addition, he lacks a viable parole plan and has very limited community support.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Petrla's institutional behavior, as well as his participation in available work, educational, and treatment programs during his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Petrla's risk of recidivism. After applying this standard to the circumstances of Mr. Petrla's case, the Board is of the unanimous opinion that he is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Petrla's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Petrla to work towards his full rehabilitation and to participate in institutional programming.

*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.*

  
Gloriann Moroney, General Counsel

3/13/17  
Date