

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

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*Chair*

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*Governor*

**Karyn Polito**  
*Lieutenant Governor*

**Terrence Reidy**  
*Secretary*

**RECORD OF DECISION**

**IN THE MATTER OF**

**EMILE FRATUS**

**W37726**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 8, 2022

**DATE OF DECISION:** December 5, 2022

**PARTICIPATING BOARD MEMBERS<sup>1</sup>:** Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

**STATEMENT OF THE CASE:** On June 19, 1980, in Bristol Superior Court, Emile Fratus was found guilty of second-degree murder in the beating death of his six-month-old stepson, Shawn Gillette. He was sentenced to life in prison with the possibility of parole.

Mr. Fratus appeared for his seventh parole hearing on September 9, 2022. He was not represented by counsel. Mr. Fratus was denied parole after his initial hearing in 1995, and after his review hearings in 2001, 2006, 2012, 2017 and 2019. He waived his review hearings in 1998 and 2011. The entire video recording of Mr. Fratus' September 8, 2022, hearing is fully incorporated by reference to the Board's decision.

**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 that the inmate is a suitable candidate for parole<sup>2</sup>.

<sup>1</sup> Former Chair Gloriann Moroney was no longer a board member at the time of the vote.

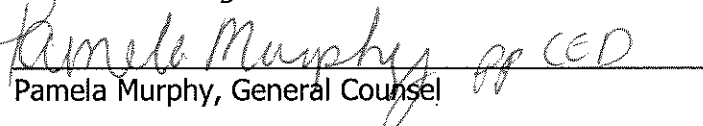
<sup>2</sup> Four board members voted to grant parole and two board members voted to deny parole with a review in three years.

Reserve to approved home plan after six months in lower security. On July 21, 1977, 23-year-old Mr. Fratus beat his six-month-old stepson, Shawn Gillette, to death. Mr. Fratus scores low on the COMPAS. He has been sober for 42 years and completed CRA and Relapse Prevention. He has completed rehabilitative programming to include Anger Management and the Domestic Violence Intervention Program. He sees counseling on a monthly basis and is compliant with treatment. He has good family support. The Board believes he will benefit from a gradual transition through lower security.

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. Fratus' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Fratus' risk of recidivism. Applying this standard to the circumstances of Mr. Fratus' case, the Board is of the opinion that Emile Fratus is rehabilitated and, therefore, merits parole at this time.

**Special Conditions:** Reserve to approved home plan before release; Waive work for two weeks; Curfew – Must be home between 10pm and 6am; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Counseling for adjustment/transition; AA/NA at least 3 times/week; Sex offender evaluation and follow recommended treatment.

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

  
Pamela Murphy, General Counsel

12/5/22  
Date