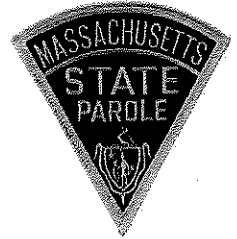


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

LEO FARLAND

W34867

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 26, 2019

DATE OF DECISION: December 16, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

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 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 in prison with the possibility of parole. On February 27, 1975, in Middlesex Superior Court, Mr. Farland was sentenced to 6 to 8 years from and after his life sentence for armed robbery related to the murder of Mr. Sklarz. Additionally, on November 26, 1975, in Worcester Superior Court, Mr. 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 in Grafton, on July 18, 1974, and are unrelated to the murder.

¹ Board Member Treseler was no longer a Member of the Board at the time of vote.

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

II. PAROLE HEARING ON FEBRUARY 26, 2019

Leo Farland, now 67-years-old, appeared before the Parole Board on February 26, 2019, for a review hearing. He was represented by Attorney Brian Kelly. Mr. Farland was denied parole after his initial hearing in 1989, and after review hearings in 1990, 1993, 1995, and 2000. After his review hearing in 2005, Mr. Farland was released to parole supervision. On September 6, 2007, however, Mr. Farland was returned to custody, due to a 51A report that alleged inappropriate conduct with his 8-year-old step-granddaughter. On October 24, 2007, the Board released Mr. Farland with an added condition. In August 2010, Mr. Farland was again returned to custody after he was arrested on three counts of indecent assault and battery on a child under 14. Mr. Farland was indicted on the charges in March 2011, but the cases were eventually nolle prossed. In 2013, revocation was affirmed. Mr. Farland was denied parole after his 2014 review hearing. In his opening statement to the Board, Mr. Farland explained that he has "carried a lot of deep sorrow for what [he has] done and regret." He apologized to the victim's family for his actions, stating, "I don't expect them to accept my apology, nor do I expect them to forgive me." Mr. Farland agreed with the facts of the governing offense, that he approached the victim's body, robbed him, and left him on the ground.

When Board Members noted that he was paroled two times, Mr. Farland stated that his first experience on parole was a "very poor one." He thought he had the right to be free like everyone else and "to come go as [he] pleased," explaining that he did not take into consideration the restrictions of parole. Mr. Farland stated that he had always been under some type of restriction, whether it was boarding school, the military, or prison and that, for the first time in his life, he felt free. He acknowledged, however, that he did not handle parole supervision correctly and failed. Mr. Farland admitted to the Board that he had an inappropriate conversation with his son's stepdaughter, stating that "it was wrong." During his second parole supervision, Mr. Farland explained that he had the added conditions of polygraph testing and no contact with children under the age of 16. He told the Board that, in 2010, he was charged with molesting a neighbor's (minor) daughter, but claimed that "it never happened" and that he does not know where "the story came from..." Although he acknowledged the allegations, Mr. Farland denied any desire towards children in a sexual manner. The Board noted that the charges were nolle prossed.

Since his last hearing, Mr. Farland said that he has attended Able Minds, Health Awareness, bible study, and legal courses. He added that he previously participated in an anger management program. Mr. Farland denied any disciplinary issues since his last hearing.

The Board considered testimony in opposition to parole from Mr. Sklarz's son and daughter-in-law. Worcester County Assistant District Attorney Michelle King testified in opposition to parole.

III. DECISION

The Board is of the opinion that Leo Farland has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board remains concerned as to Mr. Farland's adjustment while on parole supervision. He continues to minimize his role in his parole violations, downplays their seriousness, and rejects the notion that he may need to address issues regarding relationships with young children.

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. Farland's 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. Farland's risk of recidivism. After applying this standard to the circumstances of Mr. Farland's case, the Board is of the unanimous opinion that Leo Farland is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Farland'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. Farland to continue working towards his full rehabilitation.

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.


Pamela Murphy, General Counsel

12/16/2019
Date