



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JOHN MAILLET**

**W41357**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** August 20, 2013

**DATE OF DECISION:** October 3, 2013

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, 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 inmate's testimony at the hearing, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years.

**I. STATEMENT OF THE CASE**

John Maillet is seeking parole from his life sentence for second degree murder. This is Mr. Maillet's fifth appearance before the Board, having been denied parole in 1999, 2002, 2005, and 2010. On April 25, 1985, Mr. Maillet was found guilty by a jury in Hampshire Superior Court. The effective date of his sentence is August 16, 1984. Mr. Maillet's victim, Susan Tyrell, was 26 years old at the time of the murder.

In 1984, Mr. Maillet, then 29 years old, was married to Elizabeth Maillet. Mr. Maillet and Elizabeth had been married since December of 1980, lived together in Belchertown with Elizabeth's son from a previous marriage, who was then 8 years old, and their own son who was three. Mr. Maillet worked as an attendant at the Belchertown State School and held a second, part-time job at a gasoline station. Ms. Tyrell, the victim, was Mr. Maillet's supervisor at the gasoline station. Ms. Tyrell would socialize with Mr. Maillet and Elizabeth.

In June of 1984, Mr. Maillet believed that Elizabeth was having an affair with Ms. Tyrell, and learned that Elizabeth planned to leave him. Mr. Maillet thereafter indicated to three people that he wanted Ms. Tyrell dead. He also issued an ultimatum to Elizabeth: give up Ms. Tyrell, or go away with her and leave the children with him. Elizabeth refused, and demanded in turn that Mr. Maillet give up the marital home. Neither Mr. Maillet nor Elizabeth acquiesced.

On July 25, 1984, Mr. Maillet served Ms. Tyrell with a trespass notice, ordering her to remain away from their home. Elizabeth moved out of the home and filed for divorce. On or about August 11, Mr. Maillet and Elizabeth reached an agreement in the Probate Court where Elizabeth would move in the home with the children, and Mr. Maillet would move out, which he honored. Mr. Maillet and Elizabeth shared custody of their biological son.

On August 15, 1984, with Elizabeth's consent, Mr. Maillet spent the morning caring for and entertaining both children at places other than their home. At 1:00 p.m., Mr. Maillet took the two children to his sister's home. As Mr. Maillet acknowledged at hearing, he was enraged that his wife was leaving him for Ms. Tyrell and had been thinking about killing her. Mr. Maillet drank three cans of beer over the next two hours.

At 3:00 p.m., Mr. Maillet left the children with his sister and went to his former home, intending to kill his wife. When he arrived, Ms. Tyrell was the only person in the home. Mr. Maillet told her he needed to get clothes for the children. She allowed him to enter and, under the guise of gathering the clothes, he went to the children's bedroom. When he came out of the bedroom, Ms. Tyrell was in the kitchen. Seeing that his wife was not home, Mr. Maillet turned his rage towards Ms. Tyrell.<sup>1</sup>

Mr. Maillet reached for a knife in the kitchen drawer. Ms. Tyrell turned to run, but Mr. Maillet plunged the knife between 3 ½ and 5 inches into her back, just to the right of her spine. According to the autopsy report, in stabbing Ms. Tyrell with the kitchen knife, Mr. Maillet nicked her rib, passed through her pleural cavity, and entered the lower lobe of her right lung. In addition, Mr. Maillet's stab wound penetrated some of Ms. Tyrell's pulmonary vessels and her trachea, resulting in the filling of her entire airway with blood. While Ms. Tyrell was essentially drowning in her own blood, Mr. Maillet stabbed Ms. Tyrell a second time in the chest along her rib cage. That stab wound was approximately 2 ½ to 3 ½ inches in depth.

After killing Ms. Tyrell, Mr. Maillet attempted to clean up the blood by wiping blood stains from the living room rug. Mr. Maillet wrapped Ms. Tyrell's body in a blanket from his car and dragged her to into the back seat. Mr. Maillet drove to a nearby town and left Ms. Tyrell's body in a wooded area.

Meanwhile, Elizabeth returned home at approximately 3:30 p.m. and found blood on the carpet. She called local police to report that Ms. Tyrell was missing. At approximately 6:30 p.m. that evening, Mr. Maillet surrendered himself to local police and told them where to find Ms. Tyrell's body.

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<sup>1</sup> Mr. Maillet, who testified in his defense at trial, maintained that Ms. Tyrell threatened him with a knife, and an altercation ensued. However, Mr. Maillet sustained no injuries and he has since abandoned this claim of self-defense, admitting at hearing that he lied about these details and, in fact, he went to the house intending to kill his wife.

## **II. INSTITUTIONAL HISTORY**

Mr. Maillet has a substantially good record of conduct during his incarceration. He has only five disciplinary reports. One of those reports documented that in 1990 he was seen swallowing a pill. Maillet asserts that the pill was Tylenol and not a controlled substance. Since his last parole hearing in 2010, he participated in "Taking a Chance on Change" but did not complete the program because the facilitators left after six sessions and the program ended prematurely. He said he goes to Toastmasters and AA/NA weekly. He worked in the optical shop at Gardner for nearly a decade and now works in the recreation department. He completed the Correctional Recovery Academy in 1998, Anger Control Training in 2007, and two levels of Alternatives to Violence in 1997 and 1998.

## **III. PAROLE HEARING ON AUGUST 20, 2013**

John Maillet appeared for his fifth parole hearing, having served 29 years of his life sentence for the second degree murder of Susan Tyrell. He was represented by Attorney John Rull. In denying parole through the years, the Parole Board has noted Maillet's "lack of credibility" and unresolved issues related to anger, mental health, and substance abuse.

Maillet described that as a young adult he "had a lot of anger issues, I was hard to get along with." Much of the anger resulted from a difficult home life as a child, including a father who physically abused him. He said that he has reduced his level of anger and that now "if I have a problem with someone, we can communicate; my self-esteem is better; I know I don't have to please anybody else, if I just please myself things will work out." He acknowledged he was an alcoholic and that after he separated from the victim he was drinking a "six pack daily" and abusing Valiums that had been prescribed for him.

Parole Board Members questioned Maillet about a significant issue that he has created for himself in trying to establish that he is rehabilitated: he has routinely lied about the facts of the murder in a way that minimizes his responsibility and falsely casts substantial blame upon the victim. Board Members noted that his history of falsehoods, especially in lying about the victim's conduct, demonstrated a lack of rehabilitation, empty remorse, and ineffective programming. For over two decades, Maillet has claimed that he acted in self-defense when Susan Tyrell picked up a knife and attacked him. The claim of self-defense, restated for so many years, was never credible in light of the jury verdict and the abundant evidence to support that verdict. Board Members noted that it was perplexing that Maillet would continue for so long with the story that was so easily identifiable as false.

At his last parole hearing in 2010, Maillet did abandon the self-defense claim. His 2010 story was that he went to the house for no reason other than to pick up clothes for the children, that the victim was in the house drinking beer and smoking marijuana, that she taunted him, and he reacted to the taunting by picking up a knife. Maillet emphasized for the 2010 Board that he was now telling the whole truth after many years of making false statements. The new version, however, still contained significant falsehoods designed to hide aspects of his own culpability and tarnish the victim. The autopsy report documents that Susan Tyrell had consumed no alcohol or marijuana. Board Members noted the lack of rehabilitation that is associated with an inmate who, after 26 years, presents the "whole truth" to the Board

but still invents falsehoods designed to damage the victim's reputation. In addition, based on other evidence in the case, it is clear that Maillet did not go to the house with the altruistic purpose of collecting clothes for the children.

At this parole hearing, aided by Attorney Rull, John Maillet finally abandoned the obvious falsehoods and admitted to facts supported by the evidence and the jury's verdict. He admitted that he was enraged at his wife due to her relationship with Ms. Tyrell and that after the separation he had been thinking about killing his wife. He went to the house that day with the intent to kill his wife. In order to gain entry to the house, he told Ms. Tyrell that he needed clothes for the children. Once inside, he looked for his wife. Seeing that his wife was not home, Maillet turned his rage towards Susan Tyrell and advanced on her while displaying a knife. She turned to run and Maillet stabbed her in the back. She fell to the ground face up, and Maillet reached down and stabbed her in the chest. He could not explain why she had fresh bruises on top of each thigh.

After finally telling the truth about the murder, Maillet undermined his own advancement by telling obvious and pointless lies about minor matters in the hearing. He said that he was pursuing a post-conviction motion because a lawyer called him to suggest it and that if the motion were successful he would plead guilty and receive the same life sentence he is serving. Upon further questioning, it became clear that Maillet initiated the contact with the lawyer in order to pursue the motion and that he hoped the motion would lead to a reduced sentence. Board Members were also perplexed by Maillet's claim that he asserted self-defense for decades because "I was in denial; I was too ashamed and feeling guilty to admit it to myself; I had to accept it and realize what I had done" before admitting it publicly. A Board Member remarked that instead of claiming he did not "realize what I had done," it would be more honest to just admit he knew what he did but he thought it would help to hide it.

Assistant District Attorney Steven Greenbaum of the Northwestern District opposed parole based on the brutal nature of Mr. Maillet's crime and his lack of adequate insight into the factors that led to the murder. Mr. Maillet had three siblings speak in support of his petition for parole.

#### **IV. DECISION**

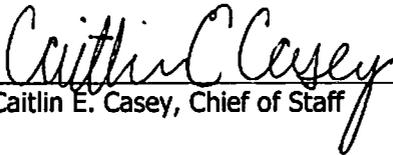
John Maillet murdered Susan Tyrell due to his rage over Ms. Tyrell's role in complicating his marital situation. Maillet has wasted most of his incarceration: rather than admitting his guilt and charting a path to rehabilitation, he actively resisted reform by lying about his conduct and motive. His lies about the victim's conduct, including some that served no purpose other than to falsely tarnish her reputation decades after he murdered her, are especially solid markers of lack of rehabilitation. Maillet chose a path for himself that might never create a realistic possibility of parole.

For this hearing, however, Mr. Maillet finally, with the assistance of his lawyer's advice, made choices that are consistent with seeking rehabilitation and parole. He has begun the process of looking honestly at his own thinking and conduct in order to reform aspects of criminal thinking and antisocial behavior. Because he has resisted rehabilitation for so long, this is likely to be a challenging endeavor for Mr. Maillet. The Board encourages him to address

issues of anger, persistent and pervasive dishonesty, and a self-absorbed or narcissistic view of events and interactions.

The standard we apply in assessing candidates 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 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." Because John Maillet is not rehabilitated, the Board concludes that he would be likely to re-offend if released and that release on parole is incompatible with the welfare of society. Accordingly, parole is denied. The Board grants a three year review in recognition of Mr. Maillet's improved performance at his hearing and his decision, 29 years after the murder, to take meaningful steps towards 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.*

  
Caitlin E. Casey, Chief of Staff

10/3/13  
Date