



The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

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

Josh Wall
Chairman

DECISION

IN THE MATTER OF

DONALD LENNON

W40946

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 14, 2013

DATE OF DECISION: May 22, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, 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, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Donald Lennon was a research scientist who lived in Acton with his wife and three daughters. In 1981, he began an affair with Mary Hess, a married woman whom he met in the choir of the Acton Congregational Church. Mrs. Hess broke off the affair in 1982, a decision that Lennon was unwilling to accept. Lennon evidently was obsessed with Mrs. Hess and reacted by alternatively pursuing her and stalking her. He also followed and harassed her husband, John Hess. John Hess was an early morning jogger, which allowed Lennon to drive by him as he ran, sometimes repeatedly circling the block in order to intimidate John Hess.

On May 21, 1982, John Hess went for his daily run early in the morning. Knowing that the Hesses were reconciled and that Mary Hess had no interest in him, Lennon had chosen this as the day that he would move from harassment to retaliation. At about 6:00 a.m., Lennon was in his car on Fort Pond road in Acton waiting to ambush John Hess as he ran by. Lennon, using a .32 caliber revolver, shot John Hess three times in the head and then drove off. Other

joggers heard the gun shots, and saw the car driving away; they provided a description of the car and part of the license plate number. Upon learning that her husband had been shot, Mary Hess provided police with the background of the affair and the harassment. Police recovered incriminating evidence from Lennon's car (blood and gunshot residue) and established that he owned a .32 caliber revolver, which was never recovered. A jogger identified Lennon's car as the vehicle involved in the murder.

A Middlesex County jury convicted Lennon of first degree murder on December 6, 1984 and Lennon was sentenced to serve life in prison without parole. On appeal, the Supreme Judicial Court found that the judge gave an improper jury instruction on first degree murder, and reduced the verdict to second degree murder. With a second degree murder conviction, Lennon's life sentence included parole eligibility at 15 years.

II. INSTITUTIONAL CONDUCT

Donald Lennon has good institutional conduct. He has only five disciplinary reports during his 31 years of incarceration. He is incarcerated at NCCI – Gardner, where he has worked in the optical shop for a decade.

Lennon has little program participation. He has an advanced education (Ph.D) and no history of substance abuse, so those are not areas of need for him. He did complete the Correctional Recovery Academy. At his 2008 hearing, he explained to the Board that he found the CRA unhelpful because its focus was substance abuse. When asked about CRA classes addressing anger issues, Lennon told the Board that those sessions were not helpful to him because they provided strategies that were already obvious to him.

Lennon has not used mental health services during his incarceration. During his 2013 parole interview, he said that he has no mental health issues and added that "most people in the outside world don't see being extraordinarily horny as a mental health issue."

III. PAROLE HEARING ON MAY 14, 2013

Donald Lennon is 81 years old and has served 31 years of a life sentence. This is his fourth parole hearing. In each of his three previous hearings, he lied to the Parole Board about the murder, made it clear that he had no remorse for shooting John Hess and no concern for the harm he caused, and used his appearance at a public hearing to deliver cruel comments to the members of the Hess family who attended. Lennon repeated this pattern at this parole hearing: he lied to the Board about his conduct; he made it clear that he does not regret the murder and has no concern for the pain he caused the family and friends of John Hess; and he used the hearing as a chance to make cruel statements aimed at Mary Hess.

Lennon has a history of lying to the Board that has been solid evidence of lack of rehabilitation. In 1997 he told the Board that he did not shoot John Hess. In 2002 and 2008, he said that there was another person in his car who fired first and struck John Hess, and he followed up with two additional shots. At those two hearings he refused to say who was the first shooter. Based on the evidence, it was easy to conclude that Lennon was lying about another person. At this hearing, Lennon admitted that he lied about another person. He

admitted that he was the only person in his car and that he fired all three shots. He displayed no concern about the fact that he had lied at his three previous parole hearings.

Lennon's story at this hearing was that John Hess walked towards the car with his hands spread apart about 18 inches as if he might grab at Lennon. Lennon said he "panicked" and fired twice (he said he "knows they say I fired three times, but I remember two times"). Lennon denied that he harassed John Hess on previous mornings as he jogged. He denied stalking Mary Hess. He claimed that he had been the one to end the affair several times but to no avail because of her persistence. He made several harsh and graphic claims about the affair and his interactions with Mary Hess in the days before the murder. The Parole Board accepted none of these claims as accurate. Based on the trial evidence, Lennon's history of lying to the Parole Board, and common sense, the Board concluded that Lennon lied repeatedly in this hearing. The Board accepts the evidence that Mary Hess ended the affair and reconciled with John Hess, that Lennon could not accept that reality, that Mary Hess did not try to resume the affair, that Lennon stalked and harassed John Hess and Mary Hess, and that Lennon made a decision to arm himself and lie in wait for John Hess on May 21, 1982.

Throughout the hearing, the inmate was argumentative, combative, and defiant. Many times when asked a question he did not want to answer, he pretended he could not hear the question. He made a derisive comment about a physical characteristic of a Board Member.

Because Lennon's hostility displayed no empathy or remorse, a Board Member asked him if he had remorse. Lennon said, "It's not so much remorse; well I have remorse, but it isn't the kind of remorse you should have for killing someone; it's over for John." John Hess's children were six and two when Lennon murdered their father. A Board Member asked Lennon, "The children grew up without a father, what was the impact on them?" Lennon was silent, until he was pushed for an answer.

As she has at every hearing, Mary Hess testified in opposition. She explained how Lennon obsessively pursued her and, after she ended the relationship, he followed her and stalked John Hess. She described John Hess' devotion to his children and his success as an electrical engineering manager at Digital Computer. Middlesex Assistant District Attorney Carrie Spiros also spoke in opposition to parole. She described Lennon as a "deranged, delusional, and dangerous man." There were no supporters of parole in attendance.

IV. DECISION

Donald Lennon murdered John Hess 31 years ago and has no remorse and no empathy for John Hess or his two children who lost their father at a very young age. Lennon is an egotistical, narcissistic, and controlling person. He places his own views and desires above those of all others. He is argumentative, hostile, and angry. He uses his intelligence to distort situations to his advantage without any attempt at objectivity or fairness. At every parole hearing, he shows disrespect for the victim and cruelty towards the victim's family. Donald Lennon is not rehabilitated, and shows no interest in rehabilitation. He would be likely to re-offend if paroled, and his release is incompatible with the welfare of society. The review will be in five years, as required by law. Given his rigid resistance to rehabilitation for three decades, Lennon needs many years of work towards a complete change in values, attitude, personality, and temperament in order to achieve and demonstrate 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.

Josh Wall

Josh Wall, Chairman

May 22, 2013

Date