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DECISION

IN THE MATTER OF

JOHN MAILLET

W41357

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 9, 2016

DATE OF DECISION: December 14, 2016

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 the 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 majority vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On April 24, 1985, in Hampshire County Superior Court, a jury convicted John Maillet of the second degree murder of Susan Tyrell. Mr. Maillet was sentenced to life with the possibility of parole.

In 1984, Ms. Tyrell was Mr. Maillet's supervisor at a gasoline station. In June 1984, Mr. Maillet observed Ms. Tyrell in bed with his wife and concluded that the two were having an affair. Thereafter, he indicated to three people that he wanted Ms. Tyrell dead. He also issued an ultimatum to his wife; give up Ms. Tyrell, or go away with her and leave the children with him. His wife demanded, in turn, that Mr. Maillet leave the marital home in Belchertown.

¹ Four Board Members voted to schedule a review hearing in 2 years. Two Board Members voted to reserve to an approved home plan upon completion of 18 months in lower security.

Ultimately, Mr. Maillet moved out. On August 15, 1984, after leaving his children with his sister, Mr. Maillet went to his former home to get bathing suits for the kids. When he arrived, Ms. Tyrell was the only person in the house. When Mr. Maillet encountered Ms. Tyrell, an argument/altercation ensued in the kitchen. Mr. Maillet reached for the knife in the kitchen drawer and plunged the knife (twice) into the back of Ms. Tyrell.

After killing Ms. Tyrell, Mr. Maillet attempted to clean up the blood by wiping blood stains from the living room rug. He wrapped Ms. Tyrell's body in a blanket from his car and dragged her into the back seat. Mr. Maillet drove to a nearby town and left Ms. Tyrell's body in a wooded area. Meanwhile, Mr. Maillet's wife returned home 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 to local police and told them where to find Ms. Tyrell's body.

II. PAROLE HEARING ON AUGUST 9, 2016

John Maillet, now 61-years-old, appeared before the Parole Board on August 9, 2016, for a review hearing and was represented by Attorney John Rull. This was Mr. Maillet's sixth appearance before the Parole Board. In Mr. Maillet's opening statement to the Board, he apologized to the Tyrell family, his ex-wife, and his own family. He told the Board that at the time of his crime, he didn't think or care about others. He also took his anger out on others. He said that he wishes he could change the fact that he killed Ms. Tyrell, but he cannot, so, he has changed himself. He stated that, through programming, he has learned how to handle his anger and has not committed an act of violence since the day of the offense 32 years ago. Attorney Rull said that Mr. Maillet is requesting a step-down as part of his parole plan for a gradual reintegration to society. Attorney Rull stated that Mr. Maillet has had an excellent adjustment to prison and, having been a model prisoner, would not be a risk to the community.

Upon questioning from the Board about his crime, Mr. Maillet admitted that he had lied about committing the crime in self-defense. He testified that he had lied at his trial and had lied to the Parole Board. He stated that Ms. Tyrell was not the intended victim; his intention that day was to murder his wife and she was not home. Mr. Maillet admitted that he knew Ms. Tyrell was living at the marital home. The Board questioned Mr. Maillet as to why he didn't wait for her return (if his intention was to kill his wife). He answered that he was too mad; he was out of control. He stated that he had no plan to kill his wife; that he only decided that day to do so. Mr. Maillet said that Ms. Tyrell "was just in the wrong place at the wrong time." He said he wrapped Ms. Tyrell's body in a blanket or a rug and placed the body in the backseat of his car. He said he dumped the body in an area where his sister was building a house; that this was to be a temporary place, as he was trying to hide the body and was planning on going back to bury it. He said he was ashamed and scared and admitted that, if his wife was there, he probably would have killed her too. He told the Board that he turned himself into the police later that evening, upon hearing that they were looking for him.

Mr. Maillet was questioned about his prior appearances before the Board. He said that at his 2005 hearing, he was still asserting self-defense. He admitted to lying at his 2007 hearing, when he told the Board he had blacked out and couldn't remember what happened. At his 2013 hearing, he first admitted the truth; that he went to the house with the intention of killing his wife, but she wasn't there and, so, he lashed out at Ms. Tyrell. Mr. Maillet told the Board that, in 2011, he first went to a priest and confessed to the murder of Ms. Tyrell. He said

that he has been truthful since that confession and apologized for re-victimizing Ms. Tyrell with his past lies of self-defense. He stated that he suffered through his whole incarceration, as he had lived a lie. He said that once he opened up about his crime, things came easier for him.

Mr. Maillet told the Board that his ex-wife and son visited him in 2005. His ex-wife told him that, as part of her therapy, she had to forgive him in person. He admitted, however, that he didn't confess the truth to her. He has had no contact with her (or his son) since then, nor any contact with his stepson. The Board questioned Mr. Maillet as to whether his ex-wife should have cause to be afraid, since (he said that) she was the intended victim. Mr. Maillet responded that his ex-wife has nothing about which to be concerned. He stated that he doesn't plan to see her, nor does he have any plan to contact her. He also has less anger now, as training has helped him find ways to deal with it, as well as ways to work through problems. He also continues to receive counseling. He admitted, however, that all of the programming he was engaged in, prior to 2011, was a lie because his true rehabilitation began in 2011. Mr. Maillet told the Board that he was never violent with the children, and there was no violence in any of his other relationships. The Board commented that it is difficult to know whether he was telling the truth about his past violence since, for 27 years, he lied about his crime.

Mr. Maillet told the Board that the lie he created using a mental health defense at his trial has followed him. He stated that he doesn't have a need for intense mental health treatment; he doesn't think he has major mental health issues. If paroled, he requests counseling to aid him with adjustment issues. Mr. Maillet told the Board that he is close with his family, receiving visits a couple of times a month. His parole plan includes a long term program and then living with his niece, who visits him often. He hopes to get a job using his past experience. He said that he has obtained his GED and has completed a couple of college courses. Upon questioning from the Board as to why he included domestic violence treatment in his parole plan, Mr. Maillet stated that he wants to undergo such treatment in order to understand and deal with violence.

Mr. Maillet's sister, brother, and niece testified in support of parole. The Hampshire County Assistant District Attorney submitted a letter in opposition to parole.

III. DECISION

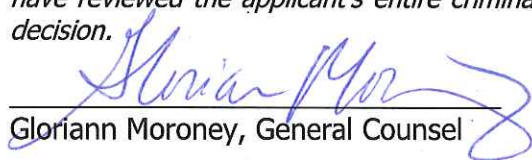
The Board is of the opinion that Mr. Maillet has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive rehabilitative adjustment and programming would be beneficial to Mr. Maillet's rehabilitation. The Board found that Mr. Maillet (who has been incarcerated for 32 years) has, for 27 years, continued to lie about the offense, as he only recently acknowledged that it was not self-defense. The Board feels that a longer period of positive adjustment is necessary in order to address his issues of anger and dishonesty. The Board has set a review date of two years.

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

Mr. Maillet's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Maillet 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.


Gloriann Moroney, General Counsel

12/14/14
Date