

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOHN MAILLET

W41357

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 14, 2018

DATE OF DECISION: August 19, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe, Paul Treseler

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 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 25, 1985, in Hampshire County Superior Court, a jury convicted John Maillet of second-degree murder in the death of 26-year-old Susan Tyrell. Mr. Maillet was sentenced to life with the possibility of parole. Mr. Maillet filed motions for new trial, but the denials were affirmed.²

In 1984, Ms. Tyrell was John Maillet's supervisor at a gas station. In June 1984, Mr. Maillet (age 29) 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

¹ Two Board Members voted to reserve to a Long Term Residential Program upon completion of 18 months in lower security.

² *Commonwealth v. John Maillet*, (36 Mass.App.Ct. 1123 (1994); 55 Mass.App.Ct. 1112 (2002))

Belchertown. 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. Mr. Maillet encountered Ms. Tyrell, and an argument/altercation ensued in the kitchen. Mr. Maillet reached for a 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 the 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 14, 2018

John Maillet, now 63-years-old, appeared before the Parole Board on August 14, 2018, for a review hearing. He was represented by Attorney John Rull. Mr. Maillet was denied parole after his initial hearing in 1999, as well as after his review hearings in 2002, 2005, 2010, 2013, and 2016. In Mr. Maillet's opening statement to the Board, he apologized to the Tyrell family for the harm he caused in the murder of Susan Tyrell, stating that he has "great remorse." Mr. Maillet described himself as a coward who did not think or care about anyone else. He reported that during his time in prison, however, he attended programs to address anger management. He stated that he has not committed an act of violence since the murder.

The Board questioned Mr. Maillet as to his concerns about returning to the community after serving 34 years in prison. Mr. Maillet responded that he prefers a slow reintegration into society, explaining that he doesn't want to be "thrown out" because so much has changed. When questioned about his parole plan, he indicated that he hopes to attend a "stepdown program" and then proceed to a long term residential program. Subsequently, he would live with his niece, search for employment, and continue his volunteer work. Mr. Maillet told the Board that he has support from his family; specifically, his brother and sister. He indicated that he has a son and a step-son, but that he does not have contact with them. If paroled, he would like to participate in domestic violence programming. When a Board Member asked Mr. Maillet if he knew what domestic violence is about, he responded, "No, I don't."

The Board asked Mr. Maillet to list the three most important programs involved in his transformation. He spoke about the Taking a Chance on Change Program in dealing with a multitude of anger issues. Mr. Maillet also spoke about the Alternative to Violence Program, which taught him different avenues to take when faced with a problem. Lastly, he mentioned his previous 4 years of counseling. Mr. Maillet noted his participation in Alcoholics Anonymous/Narcotics Anonymous (AA/NA) and indicated that he has been sober for 34 years. He told the Board that he is currently employed at the facility in the recreation department.

When questioned about the governing offense, Mr. Maillet stated that he wished he could go back in time because he "would never have done what [he] did." He stated that he was drinking and using a prescription medication of Valium at the time of the murder. The Board questioned Mr. Maillet as to why he took so long in claiming responsibility for his actions. Mr. Maillet reasoned that he could not deal with it himself and stated that he claimed self-

defense because he was trying to get out of the situation. He added that he was intending to kill his wife, but she was not there at the time. Therefore, he took his anger out on Ms. Tyrell.

The Board considered oral testimony in support of parole from Mr. Maillet's brother, sister, and niece. The Board considered testimony in opposition to parole from Mr. Maillet's ex-wife. Northwestern Assistant District Attorney Steven Greenbaum appeared and provided a letter of opposition.

III. DECISION

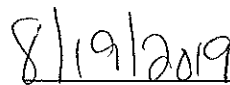
The Board is of the opinion that Mr. Maillet has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Maillet's release does not meet the legal standard. He lacks candor and has unresolved domestic violence issues.

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 opinion that John 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.


Pamela Murphy, General Counsel


Date