



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Josh Wall
Chairman

DECISION

IN THE MATTER OF

JOHN TAMMARO

W40009

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **October 22, 2013**

DATE OF DECISION: **January 15, 2014**

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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I.STATEMENT OF THE CASE

John Tammaro, and his victim, Leslie Ann Haynes, dated during the summer months of 1982 before she returned in the fall for her junior year at the University of Colorado-Denver. Tammaro made two uninvited and unannounced visits to Haynes in Colorado that semester. When she returned home for the holiday break she told Tammaro that she did not want to see him anymore and that her parents did not want her seeing him. Despite the breakup, Tammaro continued to call her and to try to see her by going to her work and, on at least one occasion, waiting for her in the bushes at her house when she went out at night with her friends.

On December 18, 1982, Leslie Haynes drove into Boston with her friend Claire for a Christmas party at Francesca's Pizzeria. There were about 12 to 14 people at this party and the group decided to go to Jason's Restaurant after dinner. Haynes and Claire stayed at Jason's Restaurant until closing (about 2 am) and Haynes drove the two of them back to Cohasset

where she dropped Claire off at home at about 2:50 am. She then drove approximately 2 miles to her house on Surrey Street in Cohasset.

Sometime after midnight on December 19, 1982, Tammaro took a bus from the Quincy MBTA station to Hingham where he then hitchhiked to Cohasset. Nicholas Eaton picked up Tammaro hitchhiking at the Hingham Rotary and drove him to Surrey Street in Cohasset where Tammaro said to Eaton, "There's the house I want, that's where my girlfriend lives and I have been having troubles." He further stated that he had a fight with his girlfriend and that he wanted to make up with her. Tammaro also admitted that he had waited for her one night and stayed in one of the cars in their driveway. At about 1:30 am Eaton dropped Tammaro at 16 Surrey Street and left the area.

Tammaro waited outside Haynes' residence until she arrived home around 3:00 am. He got into the back seat of her car and told her to drive, eventually stopping at the Texaco gas station on South Main Street where he shot her in the head four times and once in the arm. Tammaro was 21 years old when he murdered Haynes, who was 20 years old.

Tammaro left the gun at the gas station and proceeded down the street a short distance to Arthur Dickson's house. He convinced Dickson to give him a ride to Boston for some money. On the way into Boston he told Dickson that he had a problem that night and that Dickson would be able to read about it in the newspapers.

At about 4:30 am, Officer Richard Yokum of the Cohasset Police Department, while on routine patrol, noticed Leslie Haynes' vehicle parked at the Texaco gas station and investigated. The Officer saw Haynes slumped over the steering wheel, leaning to the passenger side of the car. He immediately called for backup and went to check on Haynes, observing she had blood coming from her nose and covering the right side of her face. The Officer checked for a pulse, but could not find one. Haynes was transported to South Shore Hospital where she was pronounced dead due to multiple gunshot wounds to the head.

On October 12, 1983, Tammaro pleaded guilty to second degree murder in Norfolk Superior Court and received a life sentence. He was also convicted of Carrying a Firearm Without a License and received a three to five year sentence concurrent with the life sentence. Tammaro filed no appeals of his convictions and is currently incarcerated at MCI Norfolk.

II. PAROLE HISTORY

John Tammaro was paroled on May 30, 2005 after completing six months in pre-release. While on parole, he completed the 40 session EMERGE batterer intervention program and maintained employment.

In May 2008, the Boston Police Department notified Parole that Tammaro was a suspect in a series of sexual assaults that occurred in the North End, where Tammaro resided. A woman that Tammaro had tried to date had called the Boston Police to identify Tammaro as a suspect in the North End crimes. He was eventually cleared by the Boston Police.

The Boston Police investigation produced information about Tammaro's conduct that was relayed to his Parole Officer. On May 21, 2008, Tammaro's Parole Officer received

information that he had used the database at the health club where he worked to obtain a phone number of a female club member. He called her at work seeking a date. The female member complained to the manager. In addition, it was brought to the attention of the Parole Officer that Tammaro had asked another member out on a date on several occasions. She declined but later saw Tammaro late at night outside her apartment building in the North End despite having never given Tammaro her address. She assumed he had acquired it from the database and was stalking her. Based on the similarities between these events and the crime for which he was on parole, he was returned to custody and parole was revoked.

III. PAROLE HEARING ON OCTOBER 22, 2013

The Parole Board questioned John Tammaro regarding the murder of Leslie Ann Haynes and the similarities to his pattern of behavior for which he was returned to custody. Tammaro detailed his work history, social history and overall conduct on parole. He insisted that he may have been naïve in terms of how to ask out a woman or read social cues, but he at no time stalked or placed any female in danger. He did state that he applied to work at a health club in part to meet women. Tammaro stated that after years of being in custody, he learned a significant amount about his prior issues with control, jealousy and insecurities that led to the murder of Haynes. He stated that he continued his therapy upon his release and was learning how to engage in healthy relationships. Tammaro believes he was able to accomplish a lot on parole, including employment and maintaining healthy relationships with several females. Tammaro stated that, but for his return to custody, he was in the midst of a good relationship with one woman with whom he believes he could have had a future. He also stated he had an excellent relationship with his mother, employers, and others in the community.

Board Members questioned Tammaro's pattern of pursuing women despite their desire not to be contacted by him. In addition, the Board questioned his method of gaining access to their confidential information. While Tammaro did admit to initially accessing the database to ask out one member, he stated that after being spoken to by his manager, and after his own personal examination of his behavior in therapy, he realized how inappropriate his behavior was and did not repeat it. Furthermore, Tammaro stated his intentions were good and he was capable and wanting to have healthy relationships with women. He stated although the way he went about achieving this goal was initially awkward and naïve, at no time was any female in danger. Tammaro also stated that once he learned that the females he was interested in did not share the same desire, he respected their boundaries and moved on. Board Members concluded, based on evidence in the case, that he persisted in trying to date the woman whose phone number he retrieved from the database. Consequently, Board members also concluded that Tammaro did not accurately describe his conduct in his hearing testimony.

Concerning the allegation that he used the work database to obtain a woman's address and then went to the residence uninvited, Tammaro stated that the contact was pure coincidence due to where he worked and lived. Tammaro denied that at any time was he looking for or pursuing this female. According to Tammaro, he saw the woman in a store and followed her to her residence out of curiosity. He did not understand the concerns raised by that admission. Moreover, Board Members did not believe his explanation of the stalking incident.

Several Parole Board Members focused specifically on the summary provided by clinicians at the EMERGE program (Counseling and Education to Stop Domestic Violence) concerning Tammaro's progress. Tammaro highlighted that he completed the EMERGE program. The Parole Board was particularly concerned with the clinicians' opinions recorded after Tammaro completed 40 weeks of the batterers' intervention class. The summary report dated April 14, 2006, included the following information and opinions from his clinicians:

Mr. Tammaro seemed to have a practiced rendition of the murder which led to his imprisonment, parole and eventual referral to this group. He seemed focused on presenting what seemed to be a romanticized story of how he intended to commit suicide, rather than kill Ms. Haynes, due to her family's interference in their relationship. Upon further exploration, this seemed to be an inaccurate description of the murder and events leading up to it. We were also concerned about Mr. Tammaro's dishonesty in his new relationship, based on his self-reports during group sessions. Mr. Tammaro should continue to work in therapy on his manipulative and controlling behavior towards women, particularly in intimate relationships. We are concerned that this behavior along with his self-centered behavior could eventually result in abuse of his partner(s). We were also concerned that Mr. Tammaro's repeated re-telling of his version of his relationship with Ms. Haynes and her subsequent murder, presented an inaccurate description of the murder which lacked empathy for the victims of her murder. We also felt that he had a great deal of work to do in the future to become accountable for his actions in a way that went beyond the time served in prison.

The Parole Board viewed this summary as extremely concerning in light of his offense, conduct that resulted in his return to custody, and the fact that such clinicians are relied upon for their expertise in the very behaviors that Tammaro was thought to have addressed. Tammaro did not agree with the formulation provided by the EMERGE clinicians. He continued to emphasize the work he has done to address the behaviors that led to the murder of Haynes, and the positive growth he has made in establishing healthy relationships. The Parole Board expressed significant concern that this summary speaks to the contrary and that in fact, those in the best position to evaluate Tammaro's behavior, insight and progress expressed explicit concern as outlined. Tammaro had no further treatment that is specific to domestic violence, but stated that his individual counseling covered his areas of need. He stated that his individual therapist had a very different opinion regarding his progress and referred the Board to her summary report.

Tammaro is seeking to return to the North End where he was residing. He intends to resume working at his last place of employment at a grocery / delivery store and resume his mental health counseling.

Tammaro provided several letters in support of his parole, including from potential employers, his former girlfriend Sara Fidelina Aguilar, and his former girlfriend Darlene Hyldborg. Speaking in support of his parole was his mother who will continue to offer him financial and emotional support. Tammaro's mother also testified that her son has been a good boyfriend to those he has dated, a good employee, and a good citizen.

Speaking in opposition were several members of Haynes' family, including her mother and sisters. All family members highlighted the pain and suffering that they and their extended families have suffered as a result of the murder of Leslie Haynes. The family also expressed their concern for the allegations and behavior surrounding Tammaro's return to custody. There were numerous members of Haynes' family and community who were present at the hearing.

Also speaking in opposition to Tammaro's parole release was Norfolk Assistant District Attorney Marguerite Grant. ADA Grant also provided a letter of opposition. ADA Grant highlighted the "pattern of predatory behavior toward women" that led to the murder of Haynes and continued during his period on parole. She spoke at length detailing the specific behaviors that resembled the same pattern included in the murder of Haynes and insisted that he continues to pose a risk to public safety, particularly to women.

IV. DECISION

John Tammaro is incarcerated for the murder of a former girlfriend who had decided that she no longer wanted to be in a relationship with him. The facts surrounding her death are directly related to the pattern of behavior seen in cases of extreme domestic violence. Tammaro engaged in the EMERGE program to address the precipitating factors and personal traits that led to the murder of Leslie Haynes. According to the formulation of the clinicians who treated him, Tammaro continued to present with risk factors that would make him susceptible to future abuse toward woman. As stated in their formulation, "Mr. Tammaro should continue to work in therapy on his manipulative and controlling behavior towards women, particularly in intimate relationships. We are concerned that this behavior along with his self-centered behavior could eventually result in abuse of his partner(s)." In addition, such clinicians stated that he was being dishonest in his new relationships based on his self-reports. He was encouraged to address the many concerns outlined in the summary. Tammaro made the decision to terminate from the EMERGE program after completing the required number of sessions.

He was eventually returned to custody for conduct that is similar to some of the conduct that led to the murder of Haynes. Most notably, he admits to following a woman and the circumstances strongly suggest concerning and inappropriate behavior. He also persisted in trying to date a woman whose personal information he accessed improperly at work. This conduct combined with opinions by the clinicians in the EMERGE program establish the probability that Tammaro has not been sufficiently rehabilitated and continues to pose a risk to public safety.

The standard 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 an 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." Applying that appropriately high standard, it is the unanimous decision of the Parole Board that Tammaro is not a suitable candidate for parole. His parole is denied with a review in five years. Tammaro is encouraged to accept the opportunities available for treatment and to invest fully in his rehabilitation, including a more candid assessment of his pattern of behavior with women.

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.


James DiLoreto Noble, General Counsel


Date