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DECISION

IN THE MATTER OF

THOMAS MAIMONI

W53997

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 4, 2016

DATE OF DECISION: March 7, 2017

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

I. STATEMENT OF THE CASE

On February 12, 1993, in Essex Superior Court, a jury convicted Thomas Maimoni of the second degree murder of Martha Brailsford.¹ Mr. Maimoni was sentenced to life imprisonment with the possibility of parole.

On July 12, 1991, at around 1:00 p.m., Martha Brailsford set sail with Thomas Maimoni on his boat, Counterpoint, from Willows Pier in Salem. When Ms. Brailsford's husband arrived home that evening, his wife was not there, and the house showed evidence that she had not been home for some time. Ms. Brailford's husband waited and became alarmed. At 1:00 a.m. on July 13, he called the Salem Police. Then, at around 8:00 a.m., Ms. Brailford's husband approached Mr. Maimoni, stating he understood that Mr. Maimoni had walked with Ms. Brailsford the previous morning. Mr. Maimoni said that he had seen Ms. Brailsford that day, but

¹ Mr. Maimoni was charged with first degree murder. A jury convicted him of second degree murder.

that she did not sail with him. Later that morning, a Salem police detective interviewed Mr. Maimoni. He also told the detective that he had not sailed with Ms. Brailsford. He said that he would not sail alone with her because he was married and it would not look good. During a second police interview on July 15, Mr. Maimoni admitted that Ms. Brailsford had boarded his boat at Willows Pier, but claimed that he had motored the short distance to a landing at Winter Island (part of the Willows section of Salem), where she went ashore.

On July 18, a lobsterman bringing up a trap found Ms. Brailsford's body attached to an anchor, with a buckled diver's weight belt around it. The body was unclothed and scavenged to the point that it was nearly skeletal. During a subsequent police interview on July 19, Mr. Maimoni gave a third version of events. He said that he had sailed with Ms. Brailsford as far out as Gloucester; a rogue wave or two struck the boat and Ms. Brailsford's face hit the mast. Mr. Maimoni told police that Ms. Brailsford fell overboard and drowned before he could spot her. He said he "froze" and did not call the Coast Guard.

Mr. Maimoni then fled to northern Maine, but was arrested on July 20, 1991 for breaking into a cabin near the Canadian border. An Essex County Grand Jury indicted Mr. Maimoni for Ms. Brailsford's murder on July 31, 1991. During his trial, he gave a fourth version of events. He again placed blame on a rogue wave. In this version, however, Mr. Maimoni saw Ms. Brailsford swimming toward the boat (after she fell overboard). He could not make eye contact with her, so he did not throw her a flotation device. Instead, he tried to maneuver the boat with its swim ladder toward her, but she did not seize it. He said he pulled Ms. Brailsford out of the water and tried to revive her with CPR and mouth-to-mouth resuscitation. He testified that he panicked after she died and, because he could not bear to have the body on the boat, he attached the weight belt and anchor and threw Ms. Brailsford into the water.

II. PAROLE HEARING ON OCTOBER 4, 2016

Mr. Maimoni, now 71-years-old, appeared before the Parole Board for a review hearing on October 4, 2016. This was Mr. Maimoni's third appearance before the Board, having been denied parole in 2006 and 2011. At this hearing, Mr. Maimoni gave a lengthy opening statement to the Board and, at one point, he expressed remorse. Mr. Maimoni said that he was sorry for his behavior and claimed that he suffers from "survivor's guilt." The Board questioned Mr. Maimoni about his history of lying and deception. Mr. Maimoni admitted that he had told people his wife had died of cancer because he could not "deal with the pain and the embarrassment" after his first marriage broke up. A Board Member questioned Mr. Maimoni as to why they should believe his account of the events, when he had agreed with a prior Board's assessment that he had been deceptive and dishonest. Mr. Maimoni responded by saying that he is working on getting the help that he needs "... to get the answers," as part of his treatment plan.

Mr. Maimoni was asked to discuss the events that transpired on the day of Ms. Brailsford's murder. He said that he was married to his fourth wife at the time, and she had gone to visit her sister out of state. Mr. Maimoni stated that he and Ms. Brailsford were not engaged in any sort of "tryst," nor did he have any romantic intentions. When asked if he had previously taken women out on his boat and made advances toward them, Mr. Maimoni replied, "I had an unselfish concern for a lot of people, and a lot of people came into my life, women, men and women, and I engaged in relationships with them. Not sexual, not romantic." As to

allegations made by other women who claimed he made sexual advances towards them on his boat (while married), Mr. Maimoni claimed that those stories were not true.

According to Mr. Maimoni, he believed that Ms. Brailsford's husband would be joining them that day and had second thoughts about taking Ms. Brailsford out on his boat, when she showed up alone. Mr. Maimoni claimed that Ms. Brailsford "convinced" him that her husband knew where she was, so they continued on. Mr. Maimoni said that he and Ms. Brailsford sailed in local waters and had plans to meet some of his friends who would be on another boat that day. Mr. Maimoni said that his friends had been late showing up and, at 8:30 p.m., Mr. Maimoni and Ms. Brailsford decided to sail home. At that time, they were in Gloucester, and Mr. Maimoni made the decision to transition from sail power to auxiliary diesel power. According to Mr. Maimoni, Ms. Brailsford went up to the deck to retrieve the main sail and a wave hit the boat, sending her airborne. Mr. Maimoni said that Ms. Brailsford landed on all fours on the deck. He claimed that he did not attack Ms. Brailsford and that she was not injured while on the boat. He said that Ms. Brailsford was subsequently ejected from the boat when a second wave hit. He said he then went into "recovery mode," making efforts to bring Ms. Brailsford back on the boat.

By his estimate, it took Mr. Maimoni about 15 minutes to recover Ms. Brailsford from the ocean after she fell in. He said that she was unconscious, and not breathing, when he got her back on the boat. He attempted to perform CPR. Mr. Maimoni was asked how long he was on the boat with Ms. Brailsford's body between the time that she died and the point when he dropped her body into the ocean. Mr. Maimoni replied that "seven hours transpired." As to why he weighed Ms. Brailsford's body down with an anchor and a diving weight belt, Mr. Maimoni said that he "blacked out" and, through treatment, is trying to figure out what his state of mind was at the time. Mr. Maimoni maintains that he did not kill Ms. Brailsford, but said that he takes responsibility for her death because she was on his boat.

During his incarceration, Mr. Maimoni participated in programming, including the Correctional Recovery Academy (CRA), Anger Management, and the Alternatives to Violence Program (AVP). Mr. Maimoni indicated that he was participating (at the time of this hearing) in the Sex Offender Treatment Program (SOTP) to address his issues with sexual aggression. Mr. Maimoni later indicated that he does not see himself as a sex offender, but that he is "enduring" it and has committed to treatment. He acknowledged that his crime has "sexual overtones" since Ms. Brailsford's body was nude when he "disposed of her remains." Mr. Maimoni said that he is addressing those "overtones" and that he is "responsible for that."

Mr. Maimoni did not have any supporters in attendance at his hearing. In his opening statement, Mr. Maimoni said that he did not invite anyone to attend. The victim's husband and a family friend both testified in opposition to Mr. Maimoni being granted parole. Essex County Assistant District Attorney Elin Graydon also testified in opposition to Mr. Maimoni being granted parole. ADA Graydon submitted a letter of opposition as well.

III. DECISION

The Board is of the opinion that Mr. Maimoni has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Maimoni has no possibility of success on parole in his current state of pathologically lying. He

made minimal strides in his rehabilitation and, despite entering SOTP in 2015, Mr. Maimoni minimizes his culpability. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Maimoni's rehabilitation.

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

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

3/7/17
Date