

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

THOMAS MCINERNEY

W39558

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 21, 2020

DATE OF DECISION: April 26, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

DECISION OF 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 December 12, 1975, after a jury trial in Norfolk Superior Court, Thomas McInerney, age 32, was convicted of first-degree murder for the strangulation death of 26-year-old Cynthia Hartford. Mr. McInerney was sentenced to life in prison without the possibility of parole. This life sentence was ordered to run consecutively to his previous sentence for the second-degree murder of Dora Howarth.

On July 28, 1977, Mr. McInerney's conviction of the murder of Ms. Hartford was affirmed by the Supreme Judicial Court (SJC). However, the SJC found that the evidence was not sufficient to support a finding of deliberate premeditation necessary for a first-degree murder

¹ Six Board Members voted to deny parole with a review hearing in two years. One Board Member voted to parole Mr. McInerney to an approved home after one year in lower security.

conviction. The SJC remanded the case back to Superior Court for the entry of a verdict of murder in the second degree.²

Mr. McInerney's first life sentence was for the beating death of Dora Howarth and was imposed in 1962. In 1973, the sentence was commuted to 22 years to life and Mr. McInerney was released on parole. He was on parole for less than one year when he murdered Cynthia Hartford. In 1983, he was paroled from his first life sentence to serve his second consecutive life sentence. He is currently serving his second-degree life sentence for the murder of Ms. Hartford.

On August 14, 1974, Thomas McInerney and Cynthia Hartford met at a bar in Boston. After several hours of drinking, they went to Ms. Hartford's apartment in Quincy and attempted sexual intercourse. They were unable to do so, however, due to Mr. McInerney's long-standing problem with impotency. After Ms. Hartford allegedly mocked him for his inability to perform sex, Mr. McInerney strangled her with a piece of twine. He then put her body on the couch and departed with Ms. Hartford's pocketbook. Mr. McInerney wiped the doorknob to eliminate fingerprints. He then disposed of Ms. Hartford's driver's license and keys by throwing them in the shrubbery at the rear of his apartment complex. Several days later, Mr. McInerney turned himself in to police. He was subsequently placed under arrest.

II. PAROLE HEARING ON JULY 21, 2020

On July 21, 2020, Thomas McInerney, now 78-years-old, appeared before the Parole Board for a review hearing. He was represented by Attorney John Rull. Mr. McInerney had been denied parole after his initial hearing in 1996, and after his review hearings in 2002, 2007, and 2015. Mr. McInerney was first eligible for parole in 1995, but he voluntarily postponed his initial hearing. He also voluntarily postponed his review hearings in 1999, 2001, and 2012. In his opening statement to the Board at this hearing, Mr. McInerney expressed his sorrow and remorse for the murder of Ms. Hartford and for the "many lives" he "destroyed." He had been "in the grip of despair and hopelessness because of the darkness and evil [he] put on others" prior to his incarceration.

In discussing his personal history, Mr. McInerney detailed a childhood where he was repeatedly emasculated by his father. He also characterized his mother as "mean" and stated that his family was "dysfunctional." Mr. McInerney concurred with a Board Member's observation that his "emasculat[i]on from [his] father seemed to carry over to violent acts." Yet, Mr. McInerney repeatedly stated that much of his criminal and violent behavior was fueled by a deep anger and hatred towards his mother. Mr. McInerney also claimed that, behind both the murder of Ms. Howarth and the stabbing of his friend's mother in 1957, the driving motivator had been a desire to kill his mother.

The Board expressed repeated concern that Mr. McInerney murdered Ms. Hartford, while on parole for the murder of Ms. Howarth. Several Board Members also expressed alarm over Mr. McInerney's "history of extraordinary violence," particularly towards women, that started at a young age. For the first time, Mr. McInerney disclosed new details surrounding the murder of Ms. Howarth upon questioning from the Board. Contrary to his prior assertions, he confessed that the victim was known to him and that he was familiar with where she had lived. Given these

² *Commonwealth v. McInerney*, 373 Mass. 136 (1977).

newly disclosed facts, a Board Member inquired as to whether Mr. McInerney had intended to murder Ms. Howarth. Mr. McInerney acknowledged that he "probably" did because he had carried the bottle (used to kill her) into her apartment.

In discussing the underlying facts of the governing offense, Mr. McInerney stated that he met his roommate at a bar in Boston that day. At the bar, he met Ms. Hartford. Mr. McInerney stated that he was attracted to her, and comfortable around her, in part because she was unfamiliar with his criminal history and unaware that he was on parole for murder. After a few drinks, they went to Ms. Hartford's home and attempted to have sex. They were unsuccessful due to his sexual dysfunction. Mr. McInerney alleged that Ms. Hartford lodged several insults at him related to his sexual dysfunction. After she hit him, he hit her back. When she attempted to flee, Mr. McInerney admitted to throwing an item around her neck and strangling her to death. When Board Members asked about his intent, Mr. McInerney denied that his initial impulse was to kill Ms. Hartford. He admitted, however, that he was filled with rage. Mr. McInerney claimed that his initial impulse was to prevent Ms. Hartford from reporting him to parole authorities. When asked about his mental state at the time of the murder, Mr. McInerney stated that he was sober.

The Board discussed Mr. McInerney's institutional adjustment. He has completed over 15 programs since his last hearing and has taken on leadership roles in his programming efforts. He has also been active in his Christian faith and spirituality. The Board, however, questioned his refusal to engage in the Sex Offender Treatment Program, noting a sexual component to his crimes. A Board Member questioned whether some of his rage stemmed from his history of sexual dysfunction and then referenced Mr. McInerney's writings that attributed his low self-esteem, ridicule, and shame to his sexual dysfunction. Mr. McInerney denied any sexual motivation, however, and attributed his crimes to "violence." He claimed that his anger was directed at his mother.

The Board considered oral testimony from a religious leader and the mother of a friend in support of parole. Ms. Hartford's brother and his wife testified in opposition to parole. The Board considered oral testimony of Assistant District Attorney Marguerite Grant and letter in opposition to parole from the Norfolk County District Attorney's Office. ADA Grant indicated to the Board that the Hampden County District Attorney's Office also joined in opposition to parole.

III. DECISION

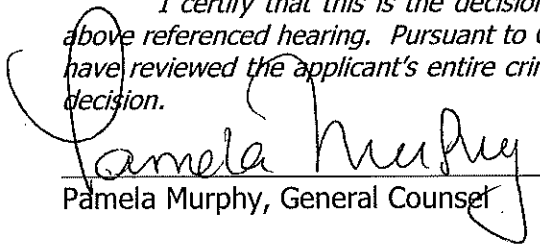
The Board is of the opinion that Thomas McInerney has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. McInerney has been incarcerated for 46 years for the murder of Cynthia Hartford, a crime on parole. Since his last hearing, he has made significant strides in his rehabilitation. He is encouraged to further explore victim impact/empathy. In addition, he recently came to terms with matters surrounding his criminal history that he ha[d] previously lied about. Mr. McInerney, for the first time, disclosed that he knew the victim of the first murder, suggesting a pattern between murders. The Board remains concerned as to his sexual motivation at the time of the offenses, a matter he continues to deny. Release remains incompatible with the welfare of society.

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

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

4/26/2021
Date