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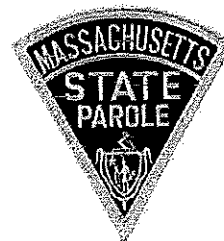
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Tina M. Hurley
Chair

Daniel Nakamoto
Acting Executive Director

RECORD OF DECISION

IN THE MATTER OF

THOMAS MCINERNEY

W39558

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 21, 2023

DATE OF DECISION: June 15, 2023

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On December 12, 1975, after a jury trial in Norfolk Superior Court, Thomas McInerney was convicted of first-degree murder for the strangulation death of 26-year-old Cynthia Hartford and was sentenced to life in prison without the possibility of parole.¹ On appeal, the matter was remanded to the Superior Court for the entry of a verdict of second degree murder and a sentence of life in prison with the possibility of parole.²

Mr. McInerney appeared before the Parole Board for a review hearing on March 21, 2023. He was represented by Attorney John Rull. Mr. McInerney was denied parole after his initial hearing in 1996, and after his review hearings in 2002, 2007, 2015, and 2020. He postponed his initial hearing in 1995 and review hearings in 1999, 2001, 2012, and 2022. The entire video recording of Mr. McInerney's March 21, 2023, hearing is fully incorporated by reference to the Board's decision.

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 a suitable candidate for parole.

¹ This life sentence was ordered to run consecutively to his previous life sentence for the second-degree murder of Dora Howarth, for which he was convicted in 1962.

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

The Board is of the opinion that Thomas McInerney has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Reserve to Long-term residential program or CJR after six months in lower security. Mr. McInerney murdered 26-year-old Cynthia Hartford when he was thirty-one years old. At the time of this murder, Mr. McInerney was in parole for the murder of Dora Howarth in 1962. Mr. McInerney has been incarcerated for this offense for approximately forty-eight years. Mr. McInerney is eighty years old and suffers from significant medical issues. In the Board's decision from his last hearing, the Board recommended he pursue programming to address victim empathy, which he has. He has participated in thirteen rehabilitative programs since his last hearing and has satisfied all program requirements. The Board notes Mr. McInerney has proposed to undergo an evaluation by New England Forensics, which the Board encourages him to complete. Mr. McInerney presented a solid parole plan and has a strong support network.

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 unanimous opinion that Thomas McInerney is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to LTRP or CRJ after six months in lower security; Waive work for age; Curfew – Must be at home between 10pm and 6am; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week; Must have New England Forensics evaluation and follow recommended treatment.

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.


Tina M. Hurley, Chair

6/15/23
Date