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**PAROLE BOARD**

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**Charlene Bonner**  
Chairperson

**Janis DiLoreto Smith**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**TIMOTHY HAIGH**

**W80290**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** February 24, 2015

**DATE OF DECISION:** March 19, 2015

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Sheila Dupre, Lee Gartenberg, Tina Hurley, Lucy Soto-Abbe

**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 written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long term residential program after Timothy Haigh successfully completes nine months in pre-release.

**I. STATEMENT OF THE CASE**

On April 17, 2000, in Lowell, Massachusetts, Timothy Haigh (then 33 years-old) beat Elmer Rosado-Resto in the head with a baseball bat, kicked him, and according to some accounts, stomped on his head. This ultimately resulted in Mr. Resto's death on April 19, 2000.

On May 9, 2002, in Middlesex Superior Court, Timothy Haigh pleaded guilty to murder in the second degree and was sentenced to life in prison with the possibility of parole after 15 years.<sup>1</sup> On that same date, he received a concurrent 10 to 15 year sentence for armed robbery. He was also sentenced to 5 to 7 years for assault and battery with a dangerous weapon (baseball bat), which was to be served concurrently with the life sentence.

<sup>1</sup> Haigh's co-defendant, Karen Cormier, was charged with first degree murder. However, she pleaded guilty to manslaughter. Cormier was sentenced to 10 to 12 years. On that same date, she received a 5 to 7 year concurrent sentence.

On April 17, 2000, Elmer Rosado-Resto was beaten by Timothy Haigh in the head with a baseball bat due to a drug deal that did not come to fruition. Haigh's girlfriend, Linda Fortunati, ordered nine \$35 bags of cocaine from Mr. Resto, expecting to pay for it with the proceeds from a winning New Hampshire Lottery scratch ticket. The ticket turned out to be fraudulent, resulting in insufficient funds to pay for the drugs. Haigh, Fortunati and co-defendant, Karen Cormier, then formulated a plan to lure Mr. Resto into a room to rob him of the drugs. Cormier flashed a role of \$1 bills wrapped in a \$20 bill and Mr. Resto entered the room. Fortunati claims to have left the room. At that point, an argument ensued after Mr. Resto informed both Haigh and Cormier that he did not have the drugs in his possession. Haigh then hit Mr. Resto on the head from behind with a baseball bat and kicked him several times in the head as he lay on the floor. According to some reports, he also stomped on his head. Haigh and Cormier then searched the victim for drugs. Not finding drugs, they instead took Mr. Resto's wallet, his ring, and the keys to his car. Haigh claims that when they left, Mr. Resto was still alive and breathing; though Haigh believed shortly afterward that he may have killed him. Mr. Resto was pronounced dead on April 19, 2000.

The group then drove to Vermont in the victim's car and Haigh was eventually apprehended by Vermont authorities. He initially claimed that he hit the victim in self-defense after the victim had tried to hit him. Ultimately, he admitted that he committed the murder.

## **II. PAROLE HEARING ON FEBRUARY 24, 2015**

Haigh represented himself at the hearing before the Parole Board on February 24, 2015. His opening statement began with an apology to the family of Mr. Resto for the senseless murder. He said, "By my hand, I took away your husband, son, father, brother, and friend. I'm sorry." He claimed that at the time of the crime, he was motivated by self-loathing, anger over his alcoholism, and anger at his girlfriend, Linda Fortunati. He said that their relationship was rocky and unhealthy and that she was a cocaine addict, often resorting to prostitution to support her habit. Haigh said he felt both jealously and anger over Ms. Fortunati's lifestyle.

Haigh was asked to describe any contributing factors that may have led to the commission of the murder. Haigh highlighted significant family issues that he experienced which hindered his development and contributed to his negative coping skills. Haigh stated that his addiction to alcohol and drugs played a significant role in his dysfunctional lifestyle. Haigh attributed his alcoholism (and his mindset leading up to the crime) to an unstable family situation, as his parents had separated when he was three. His father had come home from work one day and found that Haigh's mother had left with the children. Haigh then went to live with his godmother (in a household with 10 other children) until his mother's situation stabilized. His mother worked several jobs and he was often cared for by a babysitter. He saw his father infrequently, though he considered him a positive influence. His mother moved several times to residences in Connecticut, Texas, and South Carolina. She was involved in abusive relationships, which Haigh said had a negative effect on him.

Haigh realized early on that alcohol provided some relief to his feelings of turmoil and instability. He first tried alcohol at age 11 and, by age 18, he was drinking every day. At 18, Haigh dropped out of high school in South Carolina and returned on his own to Massachusetts. After attending a job corps school in Vermont, he "self-destructed" (as he said) and was kicked out.



Haigh first met Linda Fortunati in 1986. They had a daughter, but Haigh confessed that they were not particularly good parents. Their relationship was rocky and unstable up until April 17, 2000, the day the crime was committed. This included an incident of domestic assault and battery for which Haigh served a brief sentence and was given probation in 1997. He was frustrated by Ms. Fortunati's drug use, and jealous and angry about her prostitution. He stated that he put up with it because his low self-esteem prevented him from doing anything but tolerating it.

On the day of the crime, Haigh stated that he started drinking early in the morning. At about 5:00 pm (the time of the offense), Haigh said that he was "heavily under the influence of alcohol." He admitted to hitting the victim in the head with the bat, kicking him in the head, and, ultimately, stomping on him. In reflecting back on his violent response, Haigh said his addiction and his anger triumphed over reason and that he had "no excuses" for what he did. Haigh stated that through his participation in many programs, he understands that "so much built up." He described his overwhelming feelings of hurt and anger during that period of his life. He stated that his coping style was to drink excessively, rather than to confront his feelings. Haigh also admitted that he initially claimed he acted in self-defense, but abandoned that claim and pled guilty to second degree murder. He stated that once he was able to accept what he had done, he made a commitment to lead a better life.

Upon being sentenced in May 2002, Haigh testified that it took him about a year before his "mind got sober." Once he figured things out, Haigh determined that the most important thing to do was to get involved in as many programs as he could. From early 2004 through June 2014, he had participated in 35 programs. Many of these programs involved self-awareness and violence prevention, including Parenthood 1,2,3, Menswork, Emotional Awareness, Men in Recovery, Jericho Circle, 12 Step, AA, NA, Relapse Prevention, Able Minds, GED, Computer Class, Toastmasters, Problem Solving, Violence Reduction, CRA, Cognitive Skills, AVP, and Restorative Justice. In a written submission to the Board, Haigh said,

"I benefitted from being around people who had the same goals as myself while staying sober. We counted on each other for help and advice. I was allowed to share my story that even though I was a very functional alcoholic who worked every day and supported his family, I was still a time bomb just waiting to end up in a prison doing a life sentence. The programs helped me develop a good support system."

Haigh stated that he now weighs the consequences of his actions and he takes (and looks for) positive interactions. He also provided examples of situations where he could have responded negatively, but instead, chose to practice conflict resolution. He has either walked away from a confrontation or de-escalated the confrontation through calm discussion. In addition, Haigh took the initiative to seek out and participate in counseling where (he says) he learned problem solving. Consistent with the positive direction he seems to have chosen, the record indicates that he has only received four disciplinary reports during his incarceration.

Haigh submitted a detailed re-entry plan which includes three months of transitional placement in the Wyman Program, followed by six months in a long term residential program, and then six months in a sober house. He also presented evidence showing that he had researched the location of AA programs in the Merrimack Valley, where he ultimately hopes to



live. He realizes that getting acclimated will be a challenge and that there are fundamental things he needs to learn, such as searching for a job in the age of computers and the internet. Haigh said that he has support in the community from his mother (Lynn Johnson), his sister (Sandra Powers), and his daughter (Nicole Fortunati). All three provided letters of support and gave in-person oral testimony at the hearing. Ms. Fortunati testified that she has only recently started to reacquaint herself with Haigh and that she was looking forward to building a father-daughter relationship with him.

Middlesex County Assistant District Attorney Elizabeth Silverman spoke in opposition to Haigh's parole. ADA Silverman stated that although her office credits Haigh's investment in programs, there remains a concern regarding Haigh's account of the murder. ADA Silverman highlighted witness testimony that contradicted Haigh's account, as well as concerns that Haigh has not fully addressed his substance abuse issues.

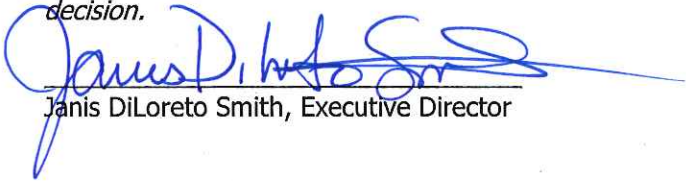
### **III. DECISION**

Though the crime committed by Timothy Haigh was a "senseless act of murder" (Haigh's own words), his institutional record indicates that he has worked hard at self-examination and self-improvement through extensive program participation. The written materials that he submitted to the Board, as well as his oral testimony, demonstrate insight about what caused him to commit the offense and what he needs to do to successfully re-enter the community. With his proposed re-entry plan, he understands that it is a gradual process and that he needs to be patient and to continue treatment throughout his transition within the DOC to the community.

The standard we apply in assessing candidates 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 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 here, it is the unanimous opinion of the Board that Timothy Haigh meets that standard. Parole is granted to a long term residential program after Mr. Haigh successfully completes nine months in pre-release.

**SPECIAL CONDITIONS:** Reserve to a long term residential program after Haigh successfully completes nine months in pre-release; Must have an approved work plan before release; Comply with a curfew; No contact with the victim's family; Mental health counseling to aid with transition; No drugs or alcohol, with testing for compliance; Attend Alcoholics Anonymous at least three times per week and obtain a sponsor; and GPS monitoring at the discretion of his parole officer.

*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.*

  
Janis DiLoreto Smith, Executive Director

3/19/15  
Date