



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

THOMAS MAIMONI

W53997

TYPE OF HEARING: Review Hearing
DATE OF HEARING: October 4, 2011
DATE OF DECISION: January 19, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in five years. Thomas Maimoni is a pathological liar who has repeatedly lied to the Parole Board in his two parole hearings. Because of his inability to recognize or repeat the truth, there is no chance that he would comply with the requirements of parole community supervision. He is not rehabilitated and, if released, would likely re-offend by committing sexually aggressive and violent acts against women.

I. STATEMENT OF THE CASE

Thomas Maimoni, convinced Martha Brailsford (age 37), a friend, to go sailing on his boat in waters near Salem on July 12, 1991. Maimoni beat Ms. Brailsford on the boat, tied her body to an anchor, and threw her overboard. Not all the facts are known to anyone besides Thomas Maimoni. He has never revealed any credible details about the homicide; he refuses to say how or why he murdered the victim. The Parole Board accepts the evidence presented at trial as summarized by the Court of Appeals decision in 1996. On July 18, a lobsterman pulling up his trap found the victim's body attached to an anchor; the body was naked and scavenged to a point that was nearly skeletal. Autopsy was able to detect five impact injuries: a blow to the jaw, a blow to the chin, and three separate blows to the head, the most serious of which

was at the top of the forehead causing bleeding under the scalp. At trial expert testimony was given that drowning was the probable cause of death. The established facts strongly support the conclusion that Maimoni either (a) beat the victim to death on the boat and then weighted and tossed the body, or (b) beat her to the point of unconsciousness, buckled a diver's weight belt around her midsection, tied her to an anchor, and threw her overboard knowing and intending that she would drown.

Maimoni began lying about the case immediately. He told the victim's husband that he saw Martha that day but she did not sail with him. He told Salem Police on July 13 that he did not sail with Martha Brailsford because he "was married and it wouldn't look good." Once they found witnesses who saw the victim get on Maimoni's boat at 1:00 p.m., police interviewed Maimoni again. Maimoni said she did get on the boat only for a few minutes as he motored her a short distance from a pier to a nearby landing. Once police developed witness evidence that disproved that second story, Maimoni was interviewed a third time and gave a third version: he did sail with Martha Brailsford as far out as Gloucester; a "rogue wave or two" arose suddenly over the boat deck and struck Martha; her face hit the mast and then she tumbled overboard; he could not spot her in the water; he "froze" and did not call the Coast Guard. Displaying knowledge of his own guilt, Maimoni fled after the third police interview. He was arrested for breaking into a cabin on July 20 in northern Maine near the Canadian border.

Maimoni provided his fourth version of events when he testified at his trial. He again placed blame on a "rogue wave." In this version, he credits himself for finding Martha Brailsford in the water, pulling her back on the deck, and working desperately 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 the victim into the water. Maimoni's testimony included admissions that he repeatedly lied about his employment history and educational credentials. He testified that he suffered "from several interlocking personality disorders." He presented expert testimony at trial that he is compelled to lie due to a mental condition. Not surprisingly, the jury rejected Maimoni's claim of accident and convicted him of second degree murder.

II. OTHER CRIMINAL CONDUCT OR BAD ACTS

Because Maimoni has never revealed why he killed Martha Brailsford, Maimoni's history of odd or aggressive behavior is especially probative of his motive and actions with Ms. Brailsford on July 12. These bad acts were presented at trial (the two women testified) and restated by the Court of Appeals in its decision. On July 8, days before the murder, Maimoni took a woman sailing. In befriending the woman, Maimoni falsely claimed he was unmarried because his wife had died of cancer. (In July 1991, Maimoni was married to Patricia, his fourth wife, although Patricia thought she was only the second wife.) The woman became alarmed when Maimoni became "very sexual," described sexual encounters that he had with other women on the boat, "dropped his bathing suit and sailed in the nude with an erect penis."

On July 9 or 10, Maimoni convinced a second woman to sail with him. He told her he was unmarried because his wife died of cancer. He indecently assaulted her on the boat. The assault began with repeated touching under her shirt and down her pants. He refused to take her home. He twice appeared naked in front of her. While in the galley below deck, Maimoni grabbed her around the waist and tried to pull her into the sleeping cabin. She escaped his

grasp and tried to run up the stairs to the deck. Maimoni caught her, took his shorts off, and held her against him. The victim continued to resist and finally convinced Maimoni to sail home. The Appeals Court described Maimoni's mental state in July 1991 as "a mood of sexual aggressiveness . . . leading to his staging sailing trips with women and extending to genital displays and, in Farmer's case, attempts at force aimed at physical seduction (with the woman being in effect imprisoned at the time on a sailboat miles offshore)."

Jury selection at Maimoni's trial gave further probative information about Maimoni's activities in 1991. The court stenographer, after she saw Maimoni enter the courtroom, removed herself from the case because she recognized him as someone who had approached her in the community. Two female members of the jury pool stated they recognized Maimoni as someone who approached them; they were excused.

III. PAROLE HEARING ON OCTOBER 4, 2011

As he did at his first parole hearing in 2006, Maimoni claimed that a "rogue wave" led to an accident that caused Martha Brailsford's death. He persisted with that false story in 2011. He said that she was "swept from the boat deck by forces of nature." He denied that he played any role in her death; he considered his only mistakes to be his "actions of concealment." Maimoni was represented by Attorney John Rull, who said that Maimoni has "led a life of lies, deception, and manipulation; he knows this has hurt him and he has made strides" to improve.

Maimoni tried to convince the Parole Board that he had not accosted other women on his boat in the days before the murder; he even claimed that the two victims did not testify at his trial. When told that the Court of Appeals decision describes their testimony, he claimed never to have seen or read the decision. He falsely claimed that he never filed a lawsuit in federal court. Maimoni did file frivolous federal lawsuits against witnesses and the assistant district attorney in an attempt at retaliatory harassment. He did admit that he mailed a bloody pillowcase to the assistant district attorney. Maimoni has limited participation in programs; he stated at his 2006 parole hearing that he does not need any more rehabilitative programming.

Parole Board members noted that an offender who is a pathological liar could not be effectively supervised in the community. One Board member said that Maimoni's pathology "makes you a very dangerous person." Dr. Bonner asked Maimoni, "What is the origin of your inability to tell the truth? Most important to us, has it been treated? Can it be treated?" Dr. Bonner also told Maimoni that, "I would have more questions for you, but they depend on your candor and honesty so I am not sure there is any reason to ask them." Mr. Michel commented to Maimoni that "you lie about everything; it must be a terrible state of life."

There were no supporters of parole present.

Essex Assistant District Attorney Elin Graydon appeared and spoke in opposition to parole. Martha Brailsford's twin sister spoke. Paul Brailsford, father-in-law of Martha, spoke as someone who has 17 years experience in the merchant marine. He said he had never seen a rogue wave such as Maimoni describes, and he pointed out that it would be nearly impossible for one person to steer his boat close enough to the body and have the strength to reach over the side of a boat and pull an unconscious person out of the water (which is what Maimoni's

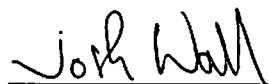
current claim is). Margaret Press, an author who wrote a book about the murder, spoke and provided confirmation that Maimoni sued her, the assistant district attorney, and two witnesses. She described Maimoni's psychopathic characteristics and extraordinary ego needs.

In his closing statement, Maimoni gave his only sign of insight. He admitted that, "I have lived a life of lies, deception, and dishonesty. I did a poor job today. I have been interested in finding the source of all this. I don't know where it came from because I grew up in a healthy household."

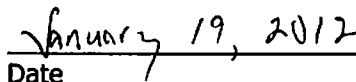
IV. DECISION

Board members concluded that Thomas Maimoni became sexually aggressive with Martha Brailsford, she resisted, and he beat her. He killed her either during the beating or by throwing her overboard after beating her unconscious. The details of the sexual assault and the violent beating will never be known. Thomas Maimoni has no possibility of succeeding on parole in his current state of pathologically lying. His lies are shallow, ineffective, and obvious to everyone but himself. He has taken no steps towards rehabilitation. He must seek treatment for this psychological condition in order to make any progress towards parole. If he were ever able to improve his ability to be honest with himself and truthful to others, his next step would be to confront his issues related to sexual aggression. Maimoni has years of work ahead of him addressing his pathology, his criminal thinking, his antisocial behavior, and his sexual aggression if he wants to be a serious candidate for parole. Board members concluded that Maimoni is very dangerous. If released, he would almost certainly re-offend and the victim would be female. His parole is denied.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Josh Wall, Chairman



Date