

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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Parole Board Hearing

In the Matter

-of-

MARYBETH TINNING

DIN # 87-G-0597

NYSID # [REDACTED]

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TYPE OF INTERVIEW: Reappearance

LOCATION: Taconic Correctional Facility  
Video-conferenced to NYS DOCCS  
314 West 40th Street  
New York, New York

DATE: January 10, 2017  
DECISION DATE: January 10, 2017

BEFORE: COMMISSIONER W. SMITH  
COMMISSIONER SHARKEY  
COMMISSIONER CRUSE

ALSO PRESENT: DEANNA CRUZ, SORC  
LINDSAY CAMBARERI, ORC

PRESENT AT FACILITY: SARAH SWINT, APA  
ELIZABETH JALLOW, ORC AIDE

HEARING REPORTER: DIANA FREUND

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1 BY COMMISSIONER CRUSE:

2 Q. Good afternoon.

3 A. Good afternoon.

4 Q. Your name, madam?

5 A. Marybeth Tinning.

6 Q. Miss Tinning, my name is Commissioner Cruse. With  
7 me, Commissioner Sharkey at the far end and Commissioner  
8 Smith is sitting in the center.

9 COMMISSIONER SHARKEY: Good afternoon.

10 COMMISSIONER W. SMITH: Hello.

11 Q. We're here to do your reappearance interview today.  
12 Are you prepared to go forward?

13 A. I am.

14 Q. Great.

15 Are there any issues that you might be aware of that  
16 could stop us from proceeding? Anything you might be  
17 aware of? Pending matters? Anything?

18 A. No, sir.

19 Q. Your instant offense is Murder 2nd, A1 felony. You  
20 were sentenced 20 to life on verdict in Schenectady  
21 County.

22 A. Yes, sir.

23 Q. In the instant offense, you, in brief, while in the  
24 count of Schenectady, in December of '85, you did cause  
25 the death of your daughter by smothering her with a

1 pillow. The record also indicates that you admitted to  
2 the smothering of your other children as well. How many  
3 children do you have, madam?

4 A. I had none now.

5 Q. You have none now, correct?

6 A. Yes, sir.

7 Q. How many did you have?

8 A. Eight.

9 Q. What happened to Marybeth Tinning?

10 A. I just was not in the right frame of mind to be a  
11 good mother. I was not. I was not.

12 Q. I asked you what happened to her and you said you  
13 weren't in -- you spoke about your capacity as a mother.  
14 That doesn't seem to respond to what I asked you.

15 COMMISSIONER CRUSE: Could the rattling of the  
16 papers, please... Thank you.

17 A. I was alone a lot of the time. I really didn't use  
18 my head and when I thought that I was in trouble or knew  
19 that I was in trouble, I didn't seek help at the time.

20 Q. Information is important in that I can utilize that  
21 as we discuss it and maybe you're choosing not to  
22 respond?

23 A. No, I'm not.

24 Q. I'm going to ask you again. What happened to her?

25 A. She was a lovely child and there was no reason for me

1 to do what I did but at that time I just -- I don't  
2 think I had the capabilities of being a good mother at  
3 all.

4 Q. What did you do, madam?

5 A. I smothered her with a pillow.

6 Q. There are seven other children that you had. You  
7 said you have none now.

8 A. Yes, sir. That's correct.

9 Q. What happened to them?

10 A. They died of various medical conditions, according to  
11 the medical community.

12 Q. Help me understand how one would feel -- and I'm  
13 sorry if I'm sort of -- I guess we have to ask the  
14 questions we need to ask.

15 A. Yes, we do. Yes, you do.

16 Q. How does one feel having as many as eight children --  
17 there's some people in the world which they could have  
18 one and they don't, they can't, for whatever reason.  
19 You had eight and all of them have predeceased you.  
20 What has that done to you?

21 A. It's just made me hollow inside. No -- I just -- I  
22 have no -- I just -- it's on my mind constantly and in  
23 my thoughts. There's nothing that I can say or do to  
24 fix it or start to fix it. There's just nothing that I  
25 can do.

1 Q. I have your packet of letters and exhibits in support  
2 of your application.

3 A. Yes, sir.

4 Q. I thank you for, I guess, being involved in the  
5 production of such a document.

6 The record indicates that you're a [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 A. That's correct.

10 Q. Do you think you're in need of [REDACTED]

11 [REDACTED]

12 A. No. I think that over the years I tried with the  
13 help of staff here and friends and family that I  
14 became -- become a better person, I would hope.

15 Q. Your packet speaks of [REDACTED] --  
16 references of [REDACTED].

17 A. Yes.

18 Q. Dating back to 2014. You yourself just now  
19 referenced not being the kind of mother that you wanted  
20 to be or that you thought you should be, I would assume.  
21 Do you think that your mental capacity at that time  
22 impacted upon your behavior?

23 A. I think that probably played a part. It would have  
24 played a part.

25 Q. So with that playing a part, what else was going on?

1 You said your capacity, you didn't think you were in  
2 your right mind. What else was going on?

3 A. Well, my husband was gone a lot of the time. My  
4 parents -- my father had died but my mother was of no  
5 help. My in-laws, although they were good to me were  
6 not of much help. I just didn't have, I guess at that  
7 time, the capacity to know that there were people in  
8 different capacities that could have helped me in some  
9 way.

10 Q. So you didn't get any treatment back then, even after  
11 you admitted to the act? You didn't get any help?

12 A. No. I believe I saw a [REDACTED] a few times but  
13 not many.

14 Q. [REDACTED]?

15 A. No, sir.

16 Q. [REDACTED]?

17 A. No.

18 Q. [REDACTED]? [REDACTED]?

19 A. Uh-uh.

20 Q. No use of any illegal substances or alcohol or  
21 anything?

22 A. No.

23 Q. Nothing like that?

24 A. No, sir. Absolutely not.

25 Q. Are you submitting that the impetus for your behavior

1 had a lot to do with domestic issues? Your husband not  
2 being there for a lack of support? I hear you saying  
3 that over and over again.

4 A. Yes. I think, not intentionally, but that's just the  
5 way the family was. It's just the way the family was.

6 Q. Were you not -- I'm asking, were you not living  
7 comfortably? I guess that's the best word to describe  
8 it. Were you not living comfortably?

9 A. Fairly so, yes, sir.

10 Q. But the support you felt you needed from your family  
11 just wasn't enough to sustain you, you're saying?

12 A. It wasn't there.

13 Q. With that, the act of killing your daughter, how  
14 would that remedy any of that?

15 A. I had lost my other children from one thing and  
16 another and it just -- I believe at that time in my  
17 heart and mind that she was going to come to the same  
18 end.

19 Q. You felt your daughter was going to come to the same  
20 end?

21 A. Yes, sir.

22 Q. The end being death. My thinking is that you said  
23 the others died from complications.

24 A. Yes, sir. Yes.

25 Q. So what were you trying to do? Expedite the

1 inevitable? I'm not following you.

2 A. I just -- I believe at that time that I just thought  
3 that my daughter was going to end up like the other  
4 children. I know it's not much of an answer but that's  
5 all I can tell you, sir.

6 Q. Even though you're a [REDACTED] have you had any  
7 [REDACTED] since you've been  
8 inside?

9 A. No.

10 Q. Why did you not opt for that service given the fact  
11 that you said to me that there were people there that  
12 could be of help but now you're inside where help is all  
13 around you and you didn't pursue it.

14 A. I was not offered it and I also, in my mind, knew  
15 that I had done something wrong and that I had to face  
16 it myself and learn to live with it, learn to try to  
17 forgive myself. That's all I can say.

18 Q. Well, you did have [REDACTED]  
19 [REDACTED].

20 A. I don't remember that at all.

21 Q. It indicates this as a precaution. Based on the  
22 inmate's history, her risk of reoffending would be  
23 minimized if she were to remain connected with adequate  
24 social services, family support, and to refrain from any  
25 contact with children. Mrs. Tinning noted that she



1 might have benefitted from professional counseling in  
2 the past while in community to talk about her problems.  
3 If she were to be released to the community, it is  
4 recommended that she receive [REDACTED]

5 [REDACTED].  
6 So with that recommendation, postrelease, or once  
7 released, I'm surprised that while incarcerated, they  
8 didn't start that process nor did you express a need for  
9 it.

10 A. I just -- I just tried to -- I knew what I had done.  
11 I knew that it was wrong and I tried to do things, keep  
12 myself busy, and...

13 Q. And? You stopped.

14 A. And just continue on the best I could and hope that  
15 some day I would be forgiven.

16 Q. I don't know if I mentioned your COMPAS Risk  
17 Assessment to you.

18 A. No, you didn't.

19 Q. Your COMPAS Risk Assessment, it's here in the file.

20 A. Yes, sir.

21 Q. 10 is high risk; 1 is low risk.

22 A. Uh-huh.

23 Q. It's perfect in that all of your scores are either  
24 low or unlikely to occur in the way of risk.

25 I have your sentencing minutes here. You sat before

1 the Honorable Clifford T. Harrigan. Do you remember  
2 that?

3 A. Yes, sir, I do.

4 Q. I've considered those minutes. Is there anything in  
5 them that you might recall that you would like to point  
6 out as being pertinent?

7 A. The sentencing minutes?

8 Q. Yes.

9 A. Just that the district attorney and the judge agreed  
10 that 20 years was a thoughtful sentence and that -- I  
11 forget -- and that I should stay until I no longer could  
12 bear children because I was a harm to my own children,  
13 not others.

14 Q. Where 20 years is mentioned, the court is mentioning  
15 on page 9: Miss Tinning, upon your having been found  
16 guilty by a jury of the felony of Murder in the 2nd  
17 degree in violation of New York Penal Law 125.25(2), it  
18 is ordered and judged by this court that you, Marybeth  
19 Tinning, be sentenced to an indeterminate sentence of  
20 imprisonment which will have a maximum term of 20 -- I'm  
21 sorry -- maximum term of life and a minimum term of 20  
22 years.

23 It doesn't speak about the part that you mentioned  
24 regarding a risk to your children but no one else's,  
25 even though your -- Mr. Callahan is saying: Your Honor,

1 based upon the fact that my client, Miss Tinning, was  
2 sentenced to more than the minimum, I would ask that the  
3 court put a statement of reason on the record as to the  
4 determination by the court of the sentence of 20 years.

5 It sounds like it's approaching what you were  
6 referencing, but still and all, this is the end of the  
7 document and it doesn't really say.

8 The Court: I will be glad to, Mr. Callahan. My  
9 feeling after reviewing the pre-investigation and having  
10 had close contact with the defendant through the course  
11 of the trial and also through the course of the Huntley  
12 Hearing which lasted for several days that the -- which  
13 lasted for several days -- I'm sorry -- that the  
14 severity of the incident required such a sentence.

15 I'm sorry. I don't see it but I think that what I  
16 did note sort of framed at least a part of what you were  
17 referencing.

18 COMMISSIONER CRUSE: Commissioners, any questions?

19 COMMISSIONER W. SMITH: I've listened carefully. I  
20 have nothing else. Thank you.

21 COMMISSIONER SHARKEY: No, I have no questions.

22 BY COMMISSIONER CRUSE:

23 Q. I want to thank you for your packet. It doesn't look  
24 like one that you developed. It speaks that it came  
25 from attorneys.

1 A. My attorneys, yes.

2 Q. I'm sure you were --

3 A. I gathered the letters and stuff so...

4 Q. Is there anything that you might want to add that you  
5 didn't say before, madam?

6 A. I know I did a terrible thing and no matter whether  
7 you let me go tomorrow or whether you never let me go,  
8 my heart will always be empty and I will never, ever be  
9 happy really again. I just ask if you could please --  
10 my husband is getting older and has a medical condition  
11 and I just got back from the outside hospital after 5  
12 days. I've been having some [REDACTED] that  
13 won't seem to go away. I just ask, please, that you  
14 could show some mercy on me. That's all.

15 Q. Thank you, ma'am. We'll consider --

16 A. Thank you.

17 Q. We will consider everything that you've said and what  
18 we've said to you, write our decision and send it to  
19 your attention. Give us a couple of days to do that.  
20 Thank you.

21 A. Thank you.

22 (After due deliberation by the Parole Board Panel,  
23 the following decision has been rendered:)

24

25

D E C I S I O N

1  
2 Denied 18 months. Next appearance, 5/2018.

3 After a review of the record, interview, and  
4 deliberation, the panel has determined that if released  
5 at this time, there is a reasonable probability that you  
6 would not live and remain at liberty without again  
7 violating the law and that your release would be  
8 incompatible with the welfare and safety of society and  
9 would so deprecate the serious nature of the crime as to  
10 undermine respect for the law. Parole is denied.

11 Required statutory factors have been considered  
12 together with your institutional adjustment including  
13 discipline and program participation, your risk and  
14 needs assessment, and your needs for successful reentry  
15 into the community. More compelling is that the instant  
16 offense marks your first New York State incarceration  
17 resulting from your conviction for Murder 2nd A1 where  
18 the record revealed that you caused the death of your  
19 daughter, [REDACTED], by smothering her with a  
20 pillow. In the interview you admitted to the instant  
21 offense. The interview further revealed that in total  
22 you gave birth to eight children, each of which died  
23 before the age of 5. The interview featured your  
24 remorseful statements and statement citing no help or  
25 support from your spouse/family as premise for your

1 killing your daughter.

2 Your positive; programming, rehabilitative efforts,  
3 COMPAS, packet, and note are noted.

4 Given your remorse, the interview offered minimal  
5 grief given essentially the loss of your family and your  
6 offspring. Your insight failed to express the extreme  
7 vulnerability of your children, the gravity of your  
8 disregard for the human life, and the law.

9 The interview revealed your health status and some of  
10 your introspective efforts.

11 The panel remains concerned about your wellness.

12 Despite your [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]."

20 Therefore, based on all the required factors in the  
21 file considered, discretionary release at this time is  
22 not appropriate.

23 (Commissioner Sharkey dissents as to the length of  
24 the hold.)

25

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.

*Diana Freund*

Diana Freund

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