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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**Paul M. Treseler**  
Chairman

**Michael J. Callahan**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**BRYCE NOONAN**  
**W55845**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** August 2, 2016

**DATE OF DECISION:** January 9, 2017

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

**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 the 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 opinion that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On February 2, 1994, in Middlesex Superior Court, Bryce Noonan pled guilty to the second degree murder of James Margeson in Woburn. Mr. Noonan was sentenced to life in prison with the possibility of parole. In 1996, Mr. Noonan filed a motion for reconsideration of his sentence, which was denied. In 2014, Mr. Noonan filed a motion to withdraw his guilty plea or for a new sentence, which was also denied.

On June 3, 1992, at approximately 6:30 a.m., Woburn police officers responded to a report of a dead body in a wooded area along the Middlesex Canal. The body was identified as James Margeson, a resident of Woburn. There were injuries visible to Mr. Margeson's face, head, and arms. Witnesses later indicated that Mr. Noonan, who was 17-years-old at the time, and his co-defendant, Ian Worthen, admitted to killing Mr. Margeson by hitting him with rocks and kicking him. When they returned to see if he was dead, they found Mr. Margeson

convulsing and struck him again until he was silent. An autopsy revealed that Mr. Margeson died from blunt trauma to the head.

## **II. PAROLE HEARING ON AUGUST 2, 2016**

Mr. Noonan, now 41-years-old, appeared before the Parole Board on August 2, 2016, for a review hearing. Mr. Noonan was represented by Attorney Erica Cushna. This was his third appearance before the Board, having been denied parole in 2007 and 2011. In his opening statement, Mr. Noonan apologized to the Margeson family by stating that he would never forgive himself for the pain, anguish, and sorrow he caused. Mr. Noonan said that in his youth, fighting was the only way of gaining acceptance, and that this mindset continued into his first years in prison. In 2003, he said he finally grew up and realized that he had to take responsibility for his actions. He reached out for help and dedicated himself to counseling, in an attempt to address the problems and thinking patterns that led to the murder of Mr. Margeson. Mr. Noonan claimed that the abuse and violence he endured as a child no longer controls his emotions, and he has learned to have empathy for others and to live responsibly. He has learned the value of hard work and the importance of family.

Prior to this hearing, Mr. Noonan acknowledged that he had gone to the wooded area behind St. Anthony's Church to assault a man that had harassed his girlfriend, but the individual never appeared. Out of disappointment and a need to vent his built up aggression, Mr. Noonan suggested to his co-defendant that they pick a fight with a man known to hang out and drink in the woods and who was involved in a confrontation with some peers a few days earlier. Mr. Noonan claimed that he could later brag about beating up an older man, in order to build his reputation as a tough guy. After some small talk with Mr. Margeson (whom Mr. Noonan had never met before), Mr. Margeson announced that he was leaving. Mr. Noonan grabbed a stick, snuck up behind him, and struck him as hard as he could on the head, hoping to knock him unconscious. Mr. Margeson turned and defended himself. Mr. Noonan continued to strike Mr. Margeson on the head until he fell and lost consciousness, at which point Mr. Noonan and his co-defendant fled. Fearing retribution and with "panic and paranoia consuming my thoughts," Mr. Noonan said he changed his clothes and returned to the woods (without his co-defendant) to find Mr. Margeson lying in a semi-conscious state and slurring unintelligibly. Mr. Noonan picked up a nearby rock and struck Mr. Margeson over the head several times until he knew that he was dead. Mr. Noonan then threw the broken pieces of the stick, as well as the rock that he had used to assault Mr. Margeson, into the nearby canal.

Board Members asked Mr. Noonan whether he had learned anything about Mr. Margeson since his murder. Mr. Noonan said that he now knows that Mr. Margeson was a loving father to his two daughters, who adored him. When asked if he had a deeper understanding as to why he committed the murder (described by the Middlesex County Assistant District Attorney as "without provocation, without a motive, and without reason"), Mr. Noonan stated that he was young and ignorant, and that he was trying to make friends by impressing others. He believed that by fighting an older man, his co-defendant (and others) would look up to him.

Mr. Noonan admitted to a poor adjustment in prison for the first 10 years of his incarceration, a period that included 25 disciplinary reports and a history of violence. Other



than obtaining his high school equivalency diploma in 1994, Mr. Noonan did not participate in any rehabilitative programming until 2000. Since then, Mr. Noonan has participated in a variety of programs and has not received a disciplinary report since 2005. Asked what he has done since his last hearing to improve his case for parole, Mr. Noonan said that he has participated in five or six programs, including: Men's Work (addressing anger management and life skills in and out of prison), Alternatives to Violence, and both group and individual therapy. He said that he needs to stay vigilant regarding his consumption of alcohol and marijuana, which he used in youth and in his early years of incarceration. Mr. Noonan stated that he has not furthered his education with college courses, citing the long waiting lists at MCI-Shirley. He also has not participated in such programming as Restorative Justice (specifically tailored to victim impact), as he states this program is not offered at MCI-Shirley. When Mr. Noonan has requested a transfer to another facility, he states that it has been to get closer to home, rather than for access to programming elsewhere. If Mr. Noonan is granted parole, he hopes to live in Harmony House and then with his mother. Mr. Noonan's strongest support comes from his mother, brothers, sister, niece, and wife (whom Mr. Noonan married while incarcerated).

The Board considered testimony in support of parole from Mr. Noonan's mother, two brothers, and sister. The Board also considered testimony from Lisa Giglioti, a private mitigation specialist sentencing advocate, who was retained by Mr. Noonan's counsel. The Board considered testimony in opposition to parole from Mr. Margeson's two daughters, brother-in-law, and niece. Middlesex County Assistant District Attorney Melissa Baima provided testimony in opposition to parole, as well.

### **III. DECISION**

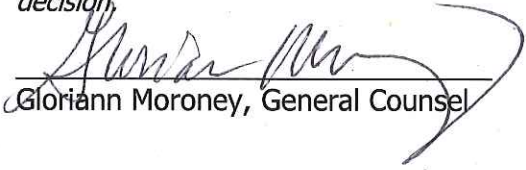
The Board is of the opinion that Mr. Noonan has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society, and that he remains a risk to violently re-offend. The Board believes that a longer period of positive institutional adjustment and meaningful programming would be beneficial to Mr. Noonan's rehabilitation. In reaching this decision, the Board particularly notes the gravity and severity of Mr. Noonan's crime. In addition, he continues to minimize his culpability. Although Mr. Noonan has served 24 years in prison, 11 years of good conduct is insufficient for the Board to conclude that the legal standard for parole has been met. Mr. Noonan needs a more comprehensive parole plan that includes a viable home plan, as well as necessary services to address his mental health and substance abuse needs.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Noonan's risk of recidivism. After applying this standard to the circumstances of Mr. Noonan's case, the Board is of the opinion that Mr. Noonan is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. Noonan, therefore, does not merit parole at this time.

Mr. Noonan's next appearance before the Board will take place in four years from the date of this hearing. In the interim, the Board encourages Mr. Noonan 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.*

  
Gloriann Moroney, General Counsel

1/9/17  
Date