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PAROLE BOARD

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Gloriann Moroney
Chair

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

BRYCE NOONAN

W55845

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 18, 2020

DATE OF DECISION: February 11, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy¹

STATEMENT OF THE CASE: On February 2, 1994, in Middlesex Superior Court, Bryce Noonan pleaded guilty to the second-degree murder of James Margeson. Mr. Noonan was sentenced to life in prison with the possibility of parole. Mr. Noonan was 17-years-old at the time of the murder.

Mr. Noonan appeared before the Parole Board for a review hearing on August 18, 2020 and was represented by Attorney Erica Cushna. Mr. Noonan had been denied parole after this initial hearing in 2007 and after his review hearings in 2011 and 2016. The entire video recording of Mr. Noonan's August 18, 2020 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. Reserve to CRS-TH-Brooke House. Mr. Noonan has served 26 years for the murder of James Margeson. Mr. Noonan was 17-years-old at the time of the offense. In rendering their decision, the Board did consider his age at the time of the offense, lack of maturity, reckless behavior, impulsivity, negative influences, and capacity to change. The Board did review and consider the forensic evaluation conducted by Dr. DiCataldo. The evaluation stressed the areas of social and criminal history, mental health treatment, substance abuse, history of rehabilitation, and proposed parole plan. Mr. Noonan

¹ Board Member Santa was not a voting member due to unavailability.

has been in minimum security for 3 years and has continued to engage in recommended treatment and programming. Release is compatible with the welfare of society. Mr. Noonan is considered to be a low risk for future violence, according to Dr. DiCataldo.

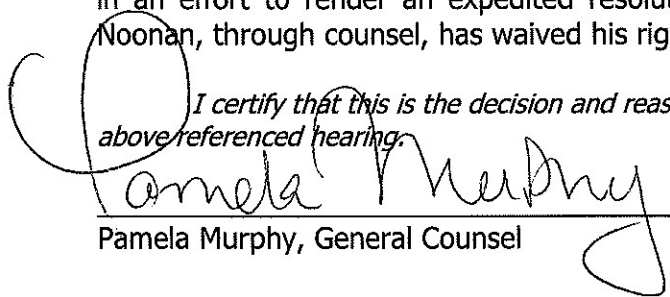
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 appropriately high standard to the circumstances of Mr. Noonan's case, the Board is of the opinion that Mr. Noonan is rehabilitated, and his release compatible with the welfare of society. Mr. Noonan, therefore, merits parole, subject to special conditions.

SPECIAL CONDITIONS: Waive work for long term residential program; Must be at home between 10 p.m. and 6 a.m.; 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, and depression; LTRP for 6 months; AA at least 3 times/week.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Noonan, through counsel, has waived his right to a full administrative decision.

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


Pamela Murphy, General Counsel


Date