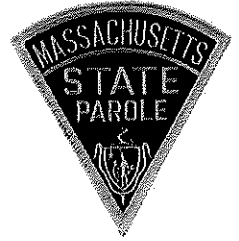




*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

Charles D. Baker
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Secretary

*Telephone # (508) 650-4500
Facsimile # (508) 650-4599*

Gloriann Moroney
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DECISION

IN THE MATTER OF

MARIE LYONS

F80320

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: February 12, 2019

DATE OF DECISION: February 11, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

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

STATEMENT OF THE CASE

On March 16, 2004, in Plymouth Superior Court, Marie Lyons was found guilty of second-degree murder in the death of Gerard Charron. She was sentenced to life in prison with the possibility of parole.

On September 13, 2001, Gerard Charron was found dead by Brockton police. He was lying face down with massive head trauma in a park, where he and Marie Lyons slept. Ms. Lyons was at the scene when emergency personnel arrived. Examination of the victim showed evidence of blunt trauma to the head, resulting in multiple complex fractures. The injuries to Mr. Charron's face included an abrasion on his nose and hematomas on his eyelids. The back right side of the head bore three incised wounds. Cause of death was determined to be "sharp

¹ Board Member Treseler was no longer a Member of the Board at the time of vote.

force plus blunt force head trauma” and the result of more than one blow inflicted at the same time. Mr. Charron’s blood alcohol level was 0.235 percent, three times the legal driving limit.

Ms. Lyons has appealed her case; all have resulted with the conviction being upheld. Ms. Lyons self-reported that the Innocence Project picked up her case in 2008. In 2016, it was determined that there was insufficient evidence to continue. There are no co-defendants in this case.

II. PAROLE HEARING ON FEBRUARY 12, 2019

Marie Lyons, now 54-years-old, appeared before the Parole Board for her initial hearing on February 12, 2019. She was represented by Harvard Law Student Yiran Wang. In her opening statement, Ms. Lyons offered an apology to the family and friends of Mr. Charron, the community at large, and her own family. She explained that she has spent the past 18 years reflecting on her past and spoke of the strides she has made in rehabilitation.

In discussing the governing offense, Ms. Lyons indicated that she has no recollection of the crime. In 2016, after learning that the Innocence Project could not move forward with the case due to insufficient evidence, she accepted responsibility for the death of Mr. Charron. She recognizes that at the time of the offense, she was a chronic alcoholic who suffered from years of sexual and physical abuse. Ms. Lyons had been in a relationship with the victim for approximately four months and described their relationship as dysfunctional. However, she adamantly denied any prior incidences of violence between the two. Ms. Lyons recalled being woken up in a park in Brockton by her sister and daughter. She began screaming, realizing that she had blood all over her hand, but claimed she was unaware (at the time) that Mr. Charron was dead. Ms. Lyons discussed how she has addressed the causative factors that lead to the governing offense through participation in numerous programs throughout her incarceration. Through her work in the areas of substance abuse, anger management, and victimization, she has worked on identifying her triggers, develop coping skills, and comprehending the pain and suffering she caused both the Charron family and her own.

The Board discussed Ms. Lyons’ institutional adjustment; she is currently incarcerated at MCI-Framingham and is employed in the greenhouse. She has been consistently employed throughout her incarceration. Her adjustment, however, has been problematic, as evidenced by 115 disciplinary infractions incurred during her commitment. Although Ms. Lyons has been disciplinary report free for three years, the Board expressed concern over the long period of poor adjustment. It should be noted that she has not incurred a serious disciplinary infraction in three years. Ms. Lyons has completed several programs including, Restorative Justice, Victims of Violence, and Self Esteem. Additionally, she has earned a degree from Boston University, certificates in horticulture and law clerk, and is a licensed cosmetologist.

Ms. Lyons had several supporters in attendance at her hearing. The Board considered testimony from two family members, who expressed their support of parole. Several of Mr. Charron’s family members attended the hearing in opposition to parole. The Board considered testimony from the victim’s daughter. The Plymouth County District Attorney’s Office provided a letter in opposition to parole and Assistant District Attorney Keara Kelley spoke in opposition, as well.

III. DECISION

Although it appears Marie Lyons has made strides in her rehabilitation, it is the opinion of the Board that she has yet to demonstrate a level rehabilitative progress that would be compatible with the welfare of society. She should continue to invest in treatment/programming and maintain a positive deportment.

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 forming this opinion, the Board has taken into consideration Ms. Lyons' institutional behavior, as well as her participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Ms. Lyons' risk of recidivism. After applying this standard to the circumstances of Ms. Lyons' case, the Board is of the unanimous opinion that Marie Lyons is not yet rehabilitated and, therefore, does not merit parole at this time.

Ms. Lyons' next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Ms. Lyons to continue working towards her 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.


Pamela Murphy, General Counsel

2/11/2020
Date