



**Charles D. Baker**  
Governor

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**Daniel Bennett**  
Secretary

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

**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

*Telephone # (508) 650-4500*

*Facsimile # (508) 650-4599*



**Paul M. Treseler**  
Chairman

**Michael J. Callahan**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**MICHAEL LYONS**  
**W69738**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** February 23, 2016

**DATE OF DECISION:** August 3, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 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 five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On July 13, 2001, in Brockton Superior Court, Michael Lyons was convicted by a jury of the second degree murder of his son, Jacob Lyons. Mr. Lyons was sentenced to life in prison with the possibility of parole for Jacob's murder.

On June 28, 1998, two-week-old Jacob Lyons was rushed to Good Samaritan Hospital and then transported by medical flight to New England Medical Center in Boston. He died as a result of "severe cerebral edema and subdural hematomas due to shaking." Jacob's body showed all of the signs of shaken baby syndrome: his brain was soft and swollen, there was bleeding on the surface of the baby's brain (as well as inside the brain), and nerves inside of Jacob's brain were also damaged. There were bruises on Jacob's upper back muscles, just below his neck. At the time of Jacob's murder, Mr. Lyons was roughly 5 feet, 8 inches tall and weighed between 275 and 300 pounds. He admitted to holding Jacob with his hands under

Jacob's underarms and shaking him, but claimed that he did so in a panic to revive him. The force exerted on Jacob was enough to shake a 215 pound man.

## **II. PAROLE HEARING ON FEBRUARY 23, 2016**

During the course of the hearing, Mr. Lyons discussed his family. Mr. Lyons married his wife on February 17, 1990, when she was seven months pregnant with their first child. Their second child, Andrew, died when he was approximately two-and-a-half-years-old from myocarditis. Mr. Lyons said that on the morning of Andrew's death, he went into Andrew's room to get him dressed after his wife left for work. Andrew was "unresponsive," "very cold," and not moving. Mr. Lyons claimed that Andrew was fine when they put him to bed the night before and must have passed away at some point during the night. Mr. Lyons called both his wife and 911. This was Mr. Lyons' first time alone with Andrew, as his wife had been the children's primary caretaker. Mr. Lyons stated that he had always been "nervous around the children" because they were so "fragile and tiny." A couple of years later, in 1994, Mr. Lyons and his wife had a baby girl. Then, in 1998, Mr. Lyons' wife gave birth to another son, Jacob. The family was going through financial difficulties at the time his wife became pregnant with Jacob, and so they had not planned the pregnancy. Jacob was born early and jaundiced. At the time of Jacob's birth, Mr. Lyons was still "coming to grips" with the passing of his son, Andrew. Mr. Lyons said he tried to "block out" the fact that Andrew was gone and focused on being a good father to his other children.

On the morning of the murder, Mr. Lyons arrived home from working his third shift job at a clothing warehouse. His wife and daughter were getting ready to go to a bridal shower. Mr. Lyons and his wife got into an argument over a messy closet. In response to his wife asking Mr. Lyons to give their son a bath, he told her he would, but that he was a little nervous about bathing him. After Mr. Lyons' wife and daughter left, he gave Jacob a bath. At this time, his elder son was outside playing. Mr. Lyons claimed that after the bath, Jacob slipped out of his hands and hit his head. He said that Jacob had been "very slippery" from the soap. Jacob started crying, but Mr. Lyons thought that everything was okay. He took Jacob to the bedroom to get him dressed and, eventually, calmed him down. Mr. Lyons said that he knows that he "should've looked into it," but he thought Jacob was fine because he stopped crying. Mr. Lyons then took Jacob downstairs, placed him in a bassinet in the living room, and went to the kitchen to get Jacob's formula.

After heating the formula, Mr. Lyons went back to the living room to feed Jacob, but the baby was having difficulty breathing and was turning blue. Mr. Lyons picked up Jacob and he "started becoming unresponsive." Mr. Lyons stated, "I just panicked and I shook him, I never should've done what I did, but I did, I shook him." He admitted that it was wrong to shake Jacob. He called his wife to let her know something was wrong with Jacob, and then he called 911. The 911 dispatcher was trying to instruct Mr. Lyons on how to give Jacob cardiopulmonary resuscitation (CPR), but Mr. Lyons said that he was not doing it right and the dispatcher told Mr. Lyons that he needed to slow down. The paramedics arrived and took over performing CPR on Jacob. Mr. Lyons' elder son went to a friend's house, and then his wife arrived at the family's home. He said that Jacob was taken to Cardinal Cushing Hospital, and then transported by medical flight to New England Medical Center in Boston, where he passed away. The police officers arrested Mr. Lyons at the hospital.



The Board asked Mr. Lyons how he could reconcile the substantial discrepancies between his version of events and the expert medical testimony presented at Mr. Lyons' trial, which indicated that Jacob's injuries were consistent with shaken baby syndrome and inconsistent with the baby having fallen. Mr. Lyons responded by saying that he shook Jacob because he was unresponsive, and that he did not realize at the time that shaking him "would do that damage to him." He maintains that he panicked and did not know what was wrong with Jacob. Mr. Lyons stated that he does not know how to explain the fact that there were no marks on Jacob that were consistent with his version of events. He insists that it was an accident, and that Jacob slipped out of his hands and hit his head. Mr. Lyons realizes that he should not have shaken Jacob and acknowledges that the shaking is what caused Jacob's death. At the time, though, he said that he did not know that it was wrong to shake Jacob and "didn't want to lose another son." Mr. Lyons admitted that he was aware of shaken baby syndrome prior to shaking Jacob, but said that he did not realize it was that "severe."

When asked about his wife's concerns regarding his level of violence while disciplining their children, Mr. Lyons acknowledged that he had told his wife he had a "short temper" when she raised those concerns. Mr. Lyons said that he did not hit the children "that hard." However, he admits that he spanked them "a little too hard." The Board asked Mr. Lyons if he ever left marks on his children from disciplining them. He replied that he may have left red marks, but never bruises.

Mr. Lyons has spent most of his incarceration working. He worked in the canteen, the library, and currently works in the print shop. Mr. Lyons said that he has worked for most of his life and has always wanted to work hard to support his family. He began taking the Thinking for a Change program, but did not finish because he was moved to a different facility. Mr. Lyons also took Health Awareness and received mental health counseling. While on bail, Mr. Lyons took an anger management course at the suggestion of the Department of Social Services. He also worked multiple jobs at that time to provide for his family.

The Board considered oral testimony from Mr. Lyons' wife (the victim's mother), who expressed support for Mr. Lyons being granted parole. The victim's aunt read a letter from the victim's sister (Mr. Lyons' daughter) in support of Mr. Lyons' parole. A number of Mr. Lyons' supporters also attended the hearing. Plymouth County Assistant District Attorney Keith Garland testified in opposition to Mr. Lyons being granted parole.

### **III. DECISION**

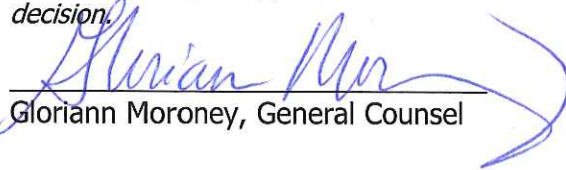
The Board is of the opinion that Mr. Lyons has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Lyons' rehabilitation.

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 Mr. Lyons' institutional behavior, as well as his 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 Mr. Lyons' risk of recidivism. After applying this standard to the circumstances of Mr. Lyons' case, the Board is of the opinion that Mr. Lyons is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Lyons' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Lyons 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

  
Date