



The Commonwealth of Massachusetts
Executive Office of Public Safety
Parole Board



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Josh Wall
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DECISION

IN THE MATTER OF

JOSE ESPINO

W39313

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 6, 2012**

DATE OF DECISION: **June 5, 2013**

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. INTRODUCTION

Mr. Espino appeared before the Massachusetts Parole Board on September 6, 2012 for a review hearing. Mr. Espino has an Immigration and Customs Enforcement detainer lodged against him with a deportation order to Cuba, but there is no expectation that Cuba will accept a murderer from the United States. After careful consideration of all relevant facts, including the nature of the underlying offense, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time.

II. STATEMENT OF FACTS

On Wednesday, March 24, 1982, the body of Christine Lowe, age 21, of 365 Appleton Street, Holyoke, Massachusetts, was discovered by a neighbor. Ms. Lowe was found lying on a bed face up having sustained a single gunshot wound to her right temple. The autopsy determined that a .22 caliber gun was used and that because of the low velocity bullet fired and the location of the wound, it appeared that Ms. Lowe could have lived for some hours after the shooting. It was determined that the date of the murder was March 22, 1982. Several witnesses stated that Mr. Espino, the boyfriend of Ms. Lowe, was in the area of her home for several days before her death. Through a subsequent investigation, Mr. Espino was identified.

He was questioned by police at which time he provided them with a false account of his whereabouts on March 22, 1982. He finally admitted to being present at Ms. Lowe's apartment on that date. On November 10, 1982, Mr. Espino pled guilty to second degree murder.

III. INSTITUTIONAL HISTORY

Mr. Espino was 22 years old at the time of the offense. He is currently 52 years old and serving his first state incarceration. Mr. Espino has one previous county incarceration for use without authority, possession of burglarious tools and malicious destruction of property.

He has a total of seven disciplinary reports. The last one was issued in October 2004. Four of the charges resulted in placement in segregation.

Mr. Espino is currently incarcerated at MCI-Norfolk and has poor program participation. Since his 2010 parole hearing, Mr. Espino has attended AA/NA and 12 Step. He has attended Nuestra Familia meetings. He completed the Alternatives to Violence Program in 2009 and Anger Management in 1997. As of November 2008, he has been enrolled in Pre-GED. Mr. Espino has not been employed since 1999. Mr. Espino said he does not work because he attends school five days per week for one hour. He also reports that due to medical issues, he spends the majority of his time reading and going to the yard.

Mr. Espino has had mental health issues since his youth, with several suicide attempts as a teenager. In 1983, he spent 46 days in a hospital due to an overdose of valium, alcohol, angel dust, and LSD. Prior to his trial, he was sent to Bridgewater State Hospital for 60 days observation. Mr. Espino has a learning disability. He is currently not receiving any mental health services.

IV. PRIOR PAROLE HEARINGS

Mr. Espino was before the Board for his initial parole hearing on September 15, 1997. The Board voted to deny his parole for five years citing "Inmate takes no responsibility for the offense, has not addressed his many issues associated with substance abuse, control and anger issues. Inmate is a high risk to re-offend."

On September 19, 2002 his review hearing was conducted and the Board voted to deny his parole for five years stating "Shot defenseless victim while she slept, has changed his story. Had dropped out of programming since 1999 after being notified of being candidate for INS deportation. Needs institutional programming. Not ready for community supervision. Risk to re-offend."

On September 11, 2007 his review hearing was conducted and the Board voted to deny his parole for three years noting "Mr. Espino states he is not interested in attending substance abuse programming because it is not helpful and that he can control his problem. Mr. Espino's continued failure to reduce his risk by addressing the causative factors of the crime, coupled with the fact that he shot a defenseless victim while she slept, makes his release incompatible with the welfare of society."

On September 14, 2010, his review hearing was conducted and the Board voted to deny his parole for two years citing "Mr. Espino needs to continue to address the causative factors of the crime and therefore concludes that parole would not be consistent with the welfare of society at this time."

V. PAROLE HEARING ON SEPTEMBER 6, 2012

This is Mr. Espino's fifth appearance before the Parole Board. He reported that he was seven years old when he came to the United States. He resided in Roxbury with his grandmother, siblings, and cousins. While in the eighth grade, he made a decision to drop out of school due to a severe learning disability (he could not read or write in English or Spanish). He reports working for a neighbor as a painter. At age 21 or 22, Mr. Espino enrolled in the Westover Job Corps, but left the program after six months. He met Christine Lowe at Westover Job Corps and after a couple of weeks, they began dating. During the relationship with Ms. Lowe, he resided and worked in the Boston area during the week and spent the weekends in Holyoke with her. He said he had a key to her apartment.

The Parole Board has denied parole after four previous hearings because Mr. Espino lied about the crime and refused to participate in rehabilitative programs. At previous hearings, Mr. Espino first said he did not commit the murder and later said he did it, but it was an accidental shooting. At this hearing, he took the position that he could not remember the shooting. Board members easily concluded, however, that lack of memory was a diversionary tactic and pressed him for details, which he was able to give. Mr. Espino provided the following version of events: he brought his gun with him to Springfield; he argued with the victim over his drinking and she told him to leave; he went to a bar with Jeff and drank more; he used LSD at the bar; he returned to the victim's apartment; she was asleep; he was angry so he shot her. He said this was the first time Christine Lowe asked him to leave the apartment, but later in the hearing he admitted she asked him to leave several other times.

Mr. Espino adamantly denied robbing Ms. Lowe, despite the fact that he had a large amount of money when arrested. He said he cashed his paycheck before leaving Boston. When asked what he did with the gun he used to shoot the victim, he said, "The first hole I saw I threw it away in Springfield."

Mr. Espino denied or minimized prior issues and violence with other women. He dismissed concerns about his treatment of other girlfriends, despite a restraining order and other criminal charges. He was asked whether he sought programming to address his issues and said, "I never thought about that."

Christine Lowe's mother, father, and sister testified in opposition to parole. The sister said, "I've heard him give many different stories over the years; every hearing it's a different story; Jose threatened Chris many times before; she came home to sleep once because she was so afraid of him." Hampden Assistant District Attorney Howard Safford spoke in opposition and noted that "he is using lack of memory as an excuse." Mr. Espino's nephew spoke in support of parole.

VI. DECISION

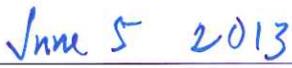
Jose Espino has been incarcerated 30 years, during which time he has failed to recognize that he committed a domestic violence murder and needs to structure a rehabilitation program to address that conduct. Instead of dealing with his issues, he has spent most of his incarceration denying those issues, lying to the Parole Board, and avoiding rehabilitative programs. He has poor program participation and has not been employed since 1999. Mr. Espino has not done the work necessary for reform or to earn parole. He is not rehabilitated.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, the Board finds that Mr. Espino is not a suitable candidate for parole. The review will be in five years.

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.



Josh Wall, Chairman



Date