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RECORD OF DECISION

IN THE MATTER OF

EDGAR BOWSER

W36627

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: November 15, 2011

DATE OF DECISION: January 13, 2012

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

DECISION OF THE BOARD: Edgar Bowser murdered a police officer in 1975. He was released on parole in 2008. Bowser used cocaine in October 2010; his parole was revoked. Bowser's petition for a re-parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Edgar Bowser shot and killed Shrewsbury Police Officer James Lonchiadis on March 5, 1975. Officer Lonchiadis was murdered in the line of duty as he investigated suspicious activity in a parking lot on Route 9 in Shrewsbury at approximately 11:30 p.m. Officer Lonchiadis' instincts were correct: the suspicious activity turned out to be an armed robbery. Bowser, along with his sister and brother-in-law, were executing their plan to steal a Corvette from a gas station parking lot after locking the gas station attendant in the trunk of another car. Bowser, age 16, was armed with a loaded .32 caliber handgun which he intended to use in the armed robbery. Officer Lonchiadis, driving by on Route 9, pulled his cruiser into the parking lot and got out to question Bowser. Bowser pulled out his gun and pointed it at Officer Lonchiadis. Officer Lonchiadis told Bowser, "Don't shoot; I have a wife and three kids. I want to go home

tonight." Bowser shot Officer Lonchiadis once in the chest; the bullet traveled through the officer's heart. Bowser says that he fired the shot when he saw Officer Lonchiadis reach for his own holster. Bowser took the officer's gun, and used it moments later in an armed robbery to obtain a car that he used to escape. The murder was unsolved for 20 months. Bowser was arrested in October 1976. Under the law then in place, a judge transferred Bowser from the juvenile to the adult system. He pleaded guilty to second degree murder and armed robbery in May 1978.

II. BOWSER'S PAROLE AND REVOCATION

The Parole Board denied Bowser's request for parole five times between 1991 and 2003. Denials were based primarily on the Board's conclusion that Bowser had not yet served sufficient time to punish him for murdering a police officer. The Board recognized Bowser's improving conduct and educational achievements while incarcerated. In 2000, the Board noted that Bowser, at his hearing, "exhibits a sense of entitlement to parole." Bowser developed a pattern of filing appeals and requests to reconsider whenever his parole was denied. Bowser used the appeals appropriately to state his case for parole; he also used the appeals to argue that the victim's role as a police officer is irrelevant to a parole decision, to make accusations about the Board's motives, and to criticize individual Board members.

The Parole Board voted to release Bowser on parole after a hearing in October 2007. Bowser was released to community supervision in a long-term residential program on November 24, 2008. He completed the program in July 2009. He lived with his fiancée and her parents; he worked at a residential program for young adults. He appeared to be complying with the conditions of parole.

On October 27, 2010, Bowser tested positive for cocaine on a drug test administered by his parole officer. Bowser admitted to his parole officer that he used cocaine; he said he used it once on October 21. Bowser was returned to custody and his parole was revoked.

III. PAROLE HEARING ON NOVEMBER 15, 2011

Edgar Bowser opened his hearing by saying that he would not minimize the seriousness of his cocaine use and would not make excuses for it. He then spent the rest of the hearing minimizing the seriousness of the drug offense and offering excuses for it. His presentation left Board members doubting his credibility on two points: how many times he used cocaine and why he used cocaine. Bowser says that he used cocaine once, because someone he had just met offered it to him at a time when he was overcome by grief due the recent death of young person he knew through work. He says that after he snorted three large lines, he immediately changed his mind and tried to snort the cocaine out of his nose. Based on the known facts, Bowser's performance at the hearing, reasonable inferences, and common sense, Board members concluded that Bowser's far-fetched and self-serving story is almost certainly misleading or fabricated, and that it is most likely that Bowser was using cocaine recreationally on more than one occasion.

The timing of the drug test is of particular importance. Bowser's drug test was on October 27. When confronted that day with the positive result, Bowser admitted he used cocaine; he told his parole officer that he used it only once, and that one time was on October 21. Cocaine, however, does not last in the system for six days. Bowser admitted cocaine use on October 21; the positive test establishes there was also drug use closer in time to October 27. At his parole hearing, Bowser tried to correct the discrepancy by saying his one use was on October 26. Board members drew the reasonable conclusion that Bowser used cocaine more than once in the several days before October 27.

Bowser's parole in 2007 was given in part because of the strong support he received from his fiancé Debra Costa and her parents. At the time of the revocation, Bowser lived with Ms. Costa and her parents. At the hearing, Bowser was confronted with information that he had an ongoing romantic relationship with another woman whose name is known to the Parole Board. Bowser admitted to the relationship. That relationship creates several problems. First, the fact of the relationship means that Bowser made repeated misrepresentations to his parole officer. Second, Bowser's relationship with Ms. Costa and her family, which is an important part of his parole plan, is different and more tenuous than he represented to Parole Board members. Third, the girlfriend has a criminal record for larceny, breaking and entering, forgery, and receiving stolen property; Bowser's relationship violates the parole condition prohibiting association with a person with a criminal record.

Board members commented that Bowser spoke indignantly through much of the hearing. Bowser acknowledged that he had taken that tone in the hearing. Bowser, in tone and substance, displayed his belief that his cocaine use should have been tolerated by the Parole Board without revocation. Bowser was questioned on the many appeals he has filed over the years. One Board member described several passages as "indignant, narcissistic, and entitled."

Debra Costa, Bowser's fiancée, spoke as a supporter of re-parole. She described that Bowser has anxiety issues that are "constant" and some panic issues. She said she did not know about Bowser's cocaine use.


Worcester County District Attorney Joseph Early and Assistant District Attorney Michelle King appeared and opposed re-parole. Sergeant James Lonchiadis, the victim's son, and Boris Lonchiadis, the victim's brother, spoke against re-parole. Retired Shrewsbury Police Chief Robert McGinley and current Shrewsbury Police Chief James Hester spoke in opposition. Chief McGinley offered the description that Bowser "murdered Officer Lonchiadis in cold blood while he pleaded for his life." Northborough Police Chief Mark Leahy, President of the Massachusetts Chief of Police Association, opposed re-parole and described the concerns of his department (Northborough borders Shrewsbury) and his statewide association.

IV. DECISION

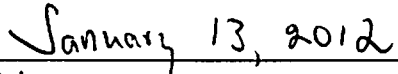
Edgar Bowser murdered a police officer whose instincts, commitment, and bravery led him into the middle of Bowser's armed robbery plot. Bowser spent time in conversation with the officer, and even heard the officer say he had a wife and children and he hoped to go home that night. Bowser responded by shooting Officer Lonchiadis in the heart. In 2007, the Parole

Board decided that 31 years incarceration was sufficient punishment and Edgar Bowser was released in 2008. Bowser re-offended by using cocaine. His revocation has led to a closer examination of his life in the community. It is now known that Bowser was living a life with a considerable amount of deception incompatible with successful parole. Board members concluded that Bowser's deception extends to his description of how many times he used cocaine and the reasons he used cocaine. He is in denial about his drug use and he has not been involved in relevant rehabilitative programs since his revocation. Bowser's statements at his parole hearing give reason to conclude that he would use drugs again on parole and that he is not currently suitable for community supervision because of his deception and indignant opposition to the rules and oversight of parole. His petition for re-parole, therefore, falls short because he is likely to re-offend and his parole is not compatible with the welfare of the community. He will have his next hearing in five years; he has considerable work to do to address issues of criminal thinking, antisocial behavior, and substance abuse. There are important and relevant rehabilitative programs offered by the DOC that Bowser has never participated in; the Parole Board recommends his participation.

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



Josh Wall, Chairman



Date