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Charlene Bonner
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DECISION

IN THE MATTER OF

ERIC LOWE

W61771

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 6, 2014

DATE OF DECISION: February 4, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Tina Hurley, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is a suitable candidate for parole at this time. Parole is granted to his from and after sentence. Parole to his from and after sentence is effective on May 6, 2014.

I. STATEMENT OF THE CASE

On December 12, 1996, after a trial by jury in Middlesex Superior Court, Eric Lowe was convicted of the second degree murder of Edmund Hall and sentenced to life in prison. On that same date, he was also sentenced to six to ten years from and after the life sentence for assault by means of a dangerous weapon.

Shortly after midnight on March 31, 1995, Mr. Hall was found unconscious at the ITAM's Club in Framingham. Mr. Hall had been inside the ITAM's Club for most of the evening. He had been sitting with his friend, Robert Tucker, and was joined by Nicole Hutchison, a known prostitute. During the course of the evening, Mr. Hall produced a large sum of money. At some point, he asked Mr. Tucker to hold it for him. Mr. Tucker held the money for a while and then returned it to Mr. Hall. This occurred in view of Hutchinson.

Later in the evening, Hutchinson was observed talking with Eric Lowe, but returned to be with Mr. Hall. At closing time, Hutchinson and Mr. Hall walked outside towards the front of the building, while Mr. Tucker proceeded outside by the back of the ITAM's Club. As Mr. Tucker walked alone through the dark parking lot, Eric Lowe grabbed Mr. Tucker from behind. Wielding a knife, Lowe said "something about money," threw Mr. Tucker to the ground, and straddled him. Hutchinson and Mr. Hall then appeared outside behind the ITAM's Club. Mr. Hall went to the aid of Mr. Tucker and Hutchinson yelled, "He's not the one." Lowe released his grip on Mr. Tucker (who then ran away) and turned his attention to Mr. Hall. As they fought, Lowe took out a knife and stabbed Mr. Hall. Lowe and Hutchinson went through Mr. Hall's pockets and Mr. Hall staggered away bleeding and later died at the hospital. The wad of cash was hidden on his body and later found at the hospital. Lowe and Hutchinson fled the scene. Lowe went to his girlfriend's apartment, where he admitted to his involvement in the crime. He was later arrested and gave a statement to the Framingham State Police where he admitted to his participation in the stabbing of Edmund Hall.

II. PAROLE HEARING ON MAY 6, 2014

This is Eric Lowe's second appearance before the Parole Board after receiving a three year review date, following his initial hearing in March 2010. When questioned by a Board Member about his postponement of his 2013 review hearing, Lowe said he was still pursuing an appeal of his second degree murder conviction. He said he was unhappy with his sentence and believed he should have gotten a lesser charge because he acted in self-defense. When the Board questioned Lowe regarding his understanding of the parole denial, he said that the denial was due to his institutional behavior and "my violent disciplinary reports." The hearing focused on Lowe's issues of alcohol and drug abuse, along with his history of violence, and the rehabilitative efforts that he has made while incarcerated.

Lowe described his childhood to the Board and said "I lived in Boston with my mother and two younger brothers. My mom worked so much, I became the 'man' of the house. I started drinking and smoking pot when I was about 12 years old and eventually dropped out of school in the tenth grade. I was hanging around with older guys and had lots of odd jobs, which I lost due to drinking. Then I started getting into trouble." Regarding his criminal history of assaults, Lowe could not recall the specifics of most of them, but told the Board about the masked armed robbery that resulted in his only prior state incarceration. In 1986, he received a four to eight year sentence (serving two and a half years before being paroled) for pointing a gun at a convenience store clerk, while his codefendant took money from the register.

When pressed about his prior parole failures, Lowe explained that "I was drinking and drugging at the time and got arrested for assault to kill and breaking and entering, which were dismissed; but I still had to go to Concord for 15 days before I was released again. Then I violated parole again for trespassing and not reporting to my parole officer." Lowe served the balance of his sentence and two years later was arrested for trespassing and possessing a knife, which he said that he started carrying when he was about twelve years old. He carried at first as "force of habit and later for protection." Both charges were eventually dismissed.

Lowe admitted that he has a serious issue with alcohol and drugs. He said that a majority of his crimes, including the governing offense, were committed while he was under the influence of drugs, alcohol, or both. Lowe described selling crack cocaine for a few months in

1989 because of the money. When asked why he stopped, Lowe said, "It was taking a toll on my family." About four or five months prior to the murder, Lowe had begun selling drugs again. When asked to explain why he went back to selling drugs, he said, "My fiancé has cancer and I had lost my job. I had no social life at all and had to do everything for everyone with no help. I had to take kids to school and my fiancé and the kids to the doctors and school Board meetings. It was hard, so I turned to drugs and drinking." He described his rehabilitative efforts to address his substance abuse through the completion of the Correctional Recovery Academy (CRA), which included two 12 step programs. He told the Board of his reluctance to attend AA and NA in prison because, "it was more like a congregation; people just sat around talking and drinking coffee. It wasn't doing anything for me."

Lowe told the Board that he realized he had "problems with anger and needed to work on them." He explained the phases of Alternatives to Violence and how it taught him a lot about himself and how to handle conflict without violence. He said that the CRA and the Problem Solving program were "very helpful" and taught him important coping skills. Lowe said that he is on a wait list to attend an Emotional Awareness course. He explained that he has "some stuff bottled up inside" that he would like to address in counseling, specifically the emotional pain of the loss of his children's mother shortly after his incarceration. He acknowledged to a Board Member that it would be helpful in his rehabilitation to come to terms with the death of his children's mother, as well as to reconcile with his estranged children. When describing the murder, Lowe insisted that he still believes that he was acting in self-defense. However, after some difficult questioning by one Board Member, Lowe seemed enlightened and said that, "I now understand that it was not me against two people; it was two separate fights with one person each time and I caused the problem; I was the problem."

Two of Edmund Hall's family members spoke against Lowe's parole request and one gave him advice stating, "You should get your GED and try to better yourself. I hope you make better judgments." Middlesex Assistant District Attorney Carrie Spiros spoke and provided a letter of opposition to the Board.

III. DECISION

Eric Lowe has served 19 years of his life sentence for the senseless murder of Edmund Hall. Lowe has had a moderate adjustment to incarceration. He was involved in violence early in his incarceration, with his last disciplinary report in 2006. However, he has since been engaged in programs that address substance abuse and non-violent conflict resolution including CRA, several phases of Alternatives to Violence, and Problem Solving. He explained the positive benefits of these programs to the Board and his learned ability to use the tools he has gained when dealing with conflict resolution. He admitted his need for personal growth and is motivated to pursue the necessary counseling.

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, it is the unanimous opinion of the Board that Eric Lowe merits a parole. Parole is granted to his six to ten year from and after sentence. During that time, Lowe should continue his positive

adjustment, continue to pursue rehabilitative programs, and complete the Emotional Awareness program.

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.


Janis DiLoreto Smith, Executive Director

2/4/15
Date