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DECISION

IN THE MATTER OF

ERICK RAMOS

W70419

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: January 6, 2015

DATE OF DECISION: February 26, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Lee Gartenberg, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 a four to one vote that the inmate is a suitable candidate for parole.¹ Parole is granted to an approved home plan upon successful completion of eighteen months in lower security.

I. STATEMENT OF THE CASE

On January 16, 2002, in Essex Superior Court, Erick Ramos pleaded guilty to second degree murder and was sentenced to life in prison.² On that same date, he pleaded guilty to

¹ One Board Member voted to deny Ramos' parole and schedule a review date two years from the date of the hearing.

² There were three codefendants:

Ransi Pena pleaded guilty to manslaughter on the same day as Ramos and was given an 18-20 year sentence which he is currently serving at NCCI-Gardner. He is eligible for parole in June 2016.

Timothy Loftman pleaded guilty to manslaughter on May 6, 2002, and received a 9-10 year sentence which has expired. On that same date, he pleaded guilty to accessory after the fact of second degree murder, was placed on probation for four years after the manslaughter charge. He also pleaded guilty to a firearms violation in connection with the murder and received a four to five year sentence.

Sergio Morillo pleaded guilty to carrying a dangerous weapon and was placed on probation for three years. The accessory after the fact of second degree murder charge was dismissed.

carrying a firearm without a license and was sentenced to a concurrent term of five years to five years and one day. He appeared before the Parole Board on January 6, 2015, for an initial hearing on the life sentence he is currently serving at NCCI-Gardner.

Around the time of the murder, relations between Erick Ramos and Kevin Banks were tense. The two had met months earlier at a house party and decided to begin a drug dealing business together. By late December 1999, there was ongoing difficulty between the two men regarding their drug business. On January 5, 2000, Ramos and codefendant Ransi Pena were parked in a car in Lynn, when Kevin Banks walked up to the car. Mr. Banks knocked on the side window and said something like, "Do you want to talk about it now?" Either Ramos or Pena yelled something to the effect of "He's going to kill us!" Ramos thought Mr. Banks appeared to be reaching for a weapon. The car sped off and drove around Mr. Banks. Ramos and Pena then set out to find Timothy Loftman because they knew he had a gun. Pena called Loftman and told him that "they had a problem" and "we have drama." Pena and Ramos picked up Loftman, retrieved the gun, drove to Loftman's mother's house to get more bullets for the gun, and then drove around Lynn looking for Mr. Banks.

Later that night, several phone calls were made between Mr. Banks and Ramos. Pena, Ramos, and Loftman looked for Mr. Banks at the Lynn YMCA and at a nearby restaurant, but to no avail. At 8:00 pm, they parked in the vicinity of Mr. Banks' residence and waited. At about 8:30 pm, Mr. Banks called Ramos' cell phone. Ramos, Pena and Loftman then drove to where they believed Mr. Banks would be. They saw Mr. Banks waiving to them, but they continued to drive past him, stopping in another area. For the following seventeen minutes, "there is virtually continuous communication between Mr. Banks' home phone and the cell phones registered to either Ramos or Pena." Ramos, Pena, and Loftman then agreed to go back to Mr. Banks' home, have him come out of his house and over to where they were waiting, and shoot him.

At about 8:45 pm, Ramos, Pena, and Loftman drove to the area of Mr. Banks' home. Mr. Banks came out of his house, walked over to their car, and was immediately shot twice by Erick Ramos; once in the chest and once in the head. Mr. Banks died 12 hours later at the hospital. After the shooting, Loftman returned to his girlfriend's house to hide the gun and Ramos and Pena drove to Connecticut.

II. PAROLE HEARING JANUARY 6, 2015

Erik Ramos, age 35, appeared for his initial parole hearing after serving 15 years of a life sentence for the second degree murder of Kevin Banks. Attorney Peter Elikann represented Ramos at the hearing. Ramos provided an opening statement in which he apologized to Mr. Banks' family and to the community for the enormous pain and suffering that he caused. Expressing the remorse he felt for the death of Mr. Banks, he said that "getting in touch with the pain and suffering which I caused the Banks' family and the destruction of a community is what motivated me to become a better person."

Ramos described some of the programs he completed to address the criminal behavior and substance abuse that were part of his daily life prior to the governing offense. He discussed his involvement in the Correctional Recovery Academy (CRA) by saying, "It provided

me with a greater understanding of the relationship between drug use and criminal thinking. I never really thought of the impact my drug dealing had on the community. The CRA helped me see the connection between the drug dealing and violence." Ramos is a facilitator for the Alternatives to Violence program, which affords him the opportunity to mentor the youth within the prison system, educate them in conflict resolution, and help them change their way of thinking. He said that "helping others has been very rewarding and it helps me be a better person." Ramos is also a trainer in the National Education for Assistance Dog Services (NEADS) program and said, "It is a motivator and has provided me with the opportunity to give back to society." Ramos has continued to pursue his educational advancement by completing several college courses with the goal of obtaining an associate's degree. He told the Board that it was an important part of his parole plan to continue to better himself through educational pursuits.

Although Ramos has maintained an exemplary record within the correctional system (receiving only one disciplinary report in 2006 and maintaining steady employment while incarcerated), he violated institutional rules in 2009 when he passed his semen (secreted into the finger of a latex glove) to his wife during a visit. Ramos was not sanctioned by the Department of Correction for his behavior, as it went undetected by prison officials. Parole staff first learned of this incident when Ramos self-disclosed his actions during an interview. Ramos expressed his guilt about the serious violation of the rules and for allowing his wife to participate in violating institutional rules. He said that after the visit with his wife, he immersed himself in programs that addressed the guilt caused by his knowing (yet undetected) violation. The Board contends that Ramos' actions were selfish and exhibited a lack of insight. However, they acknowledge his feelings of guilt and remorse for violating established rules and for involving his wife in such behavior.

In describing his upbringing, Ramos told the Board, "I was born in New York and moved to Massachusetts at the age of 12. The transition was very difficult. Although at the onset I maintained good grades, I soon gravitated toward the wrong crowd and began to engage in illegal activities. I also liked to party and stay out late to satisfy my desire to be popular. By the time I was a freshman, I was smoking more pot and my grades were dropping. My parents transferred me to a new school, but my rebellious ways continued. I was so resentful of my parents for moving, that it made me want to go into Boston even more, so I could hang out with my friends. In the tenth grade, I began hanging out with the drug dealers and at the age of 19, I was arrested for using counterfeit money when I got caught with fake twenty dollar bills that I received during a drug transaction. I graduated high school by attending summer school." After graduating, Ramos tried to extricate himself from the use and sale of drugs and had secured employment by working in the mailroom at Putnam Investments. However, after only eight months, he was terminated for lying on his application. In his quest to make money, Ramos reverted back to his previous lifestyle and resorted to selling drugs. He then met Kevin Banks and began a drug dealing business relationship with him, which ended the night of the murder. When pressed by the Board, Ramos acknowledged that "something like this was bound to happen due to the lifestyle I was leading."

Ramos provided the Board with a detailed and comprehensive version of his prior criminal offenses, as well as the murder. As he recounted the events leading up to the murder, he stated it was never his intention to shoot Mr. Banks. Ramos informed the Board that he had never handled a firearm before that night and that he reacted out of fear. Looking back, he now understands that his regular use of marijuana and dealing drugs became the root of his

problems. He has remained drug and alcohol free since the night of the murder and has turned to the tenets of his religion for the strength and commitment needed to remain sober and live a productive life going forward. He plans to maintain his religious commitment and to continue to draw strength from support in the community.

Ramos made no excuses for his criminal record or for his part in the murder of Kevin Banks. He accepts full responsibility for his actions. His criminal record includes several prior offenses, including trespassing at age 15, and more serious offenses committed at age 19, which include two counts of assault and battery with a dangerous weapon. He talked about his criminal thinking and said, "I was just living life without any direction or guidance. But with the programs and my religion, I have come to understand that I have a path to follow, and I can be a better person than I was."

Ramos seeks a parole to reside with his wife and children in Salem, after a gradual transition through lower security within the Department of Correction. He has been offered employment at a family owned chiropractic practice where he believes he can continue his personal growth, improve his social skills, and develop a sense of community. He intends to enroll in The Peterson School in Woburn to obtain his apprentice license as an electrician. Ramos identified a positive support network in the community. Many family members and friends attended the hearing in support of his petition for parole. His wife, brother, brother-in-law, step son, and a representative from the Nation of Islam spoke in support of parole and noted they will provide him with the necessary supports to successfully re-enter the community.

The daughter of the victim attended the hearing and provided testimony where she described her loss and told the Board, "I am not saying to keep him, I don't have anger because I can't move on if I do." The City of Lynn Chief of Police submitted a written statement to the Board opposing release. Essex County Assistant District Attorney Elin Graydon also provided a written statement in opposition to parole and outlined the reasons for opposition at the hearing.

III. DECISION

Erick Ramos was 20 years-old and living a life of crime when he shot and killed Kevin Banks. During his 15 years of incarceration, Ramos chose a path of rehabilitation and has made sincere strides toward reforming his criminal thinking. He has engaged in numerous programs, managed a positive adjustment, and has maintained steady employment. He has used his time wisely during his immurement: committing himself to religion; pursuing an education; gaining vocational skills; learning about self-improvement; and attempting to give back to the community. The Board is of the opinion that Ramos has demonstrated his rehabilitative progress and that his supervised release is compatible with the welfare of society.


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 opinion of the Board that Erick Ramos does merit a parole at this time.

SPECIAL CONDITIONS: Reserve to his approved home plan after 18 months in lower security; must have a substance abuse evaluation; no drug use or alcohol use, with testing for compliance; one-on-one counseling to address adjustment and transition; GPS monitoring; must abide by curfew; have no contact with the victim's family; and report to Parole Office on the day of release.

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



Date