

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSE ESPINO

W39313

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 26, 2017

DATE OF DECISION: August 22, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 a 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 November 10, 1982, in Hamden Superior Court, Jose Espino pleaded guilty to the second degree murder of 21-year-old Christine Lowe. He was sentenced to serve life in prison with the possibility of parole. At the time of the murder, Mr. Espino was 21-years-old.

On March 24, 1982, the lifeless body of Christine Lowe was discovered by a neighbor at her home on Appleton Street in Holyoke. Ms. Lowe was found on the bed with a single gunshot wound to her head. It was determined that the murder occurred two days prior. Several witnesses stated that Jose Espino, the boyfriend of Ms. Lowe, was in the area of her home for several days before her death. When Mr. Espino was questioned by police, he initially lied about his whereabouts on the night of the murder. Ultimately, however, he admitted that he was at the apartment and shot Ms. Lowe.

II. PAROLE HEARING ON SEPTEMBER 26, 2017

Jose Espino, now 60-years-old, appeared before the Parole Board for a review hearing on September 26, 2017. He was not represented by counsel. Mr. Espino was denied parole after his initial hearing in 1997, as well as after his review hearings in 2002, 2007, 2010, and 2012. In Mr. Espino's opening statement to the Board, he said he was truly sorry for taking the life of Christine Lowe and for the pain he has caused the Lowe family. Mr. Espino discussed his prison employment history, stating that he has worked as a janitor and at a prison hospital. He has been involved in AA and NA, Anger Management, Adult Basic Education-One, Pre-ASE, and has completed the Alternative to Violence Program. If released, he would like to live with, and care for, his ailing mother. He plans to be a good citizen and a productive member of society.

The Board acknowledged that Mr. Espino submitted neuro-cognitive testing that documents a history of profound learning disabilities and a reading ability that may be at a third grade level or lower. Board Members encouraged Mr. Espino to tell them if he had any trouble understanding their questions. Board Members then questioned Mr. Espino as to his understanding of why parole had been denied at his last hearing. Mr. Espino explained that the Board wrote he was not rehabilitated. Mr. Espino further clarified his understanding of the decision, stating that although he did not know the meaning of "rehabilitated," he believed it to mean that he did not take responsibility for what he had done.

The Board stated that in the past, parole had been denied because Mr. Espino's versions of events did not match the facts presented at trial. The Board noted that Mr. Espino said (at his initial parole hearing) that the murder was an accident. However, he has since told the Board that it was self-defense, and then, that he has no memory of the night. At this hearing, Mr. Espino stated that he was drunk and on LSD when he shot his girlfriend, Christine Lowe. He said they had argued over his drinking and she had told him to leave. The Board questioned Mr. Espino as to how the argument had escalated to murder. Mr. Espino said that "he just couldn't take it anymore... her telling me what to do, I don't like being told what to do." Later in the hearing, Mr. Espino stated that he was angry, not just with Ms. Lowe, but "with everything" and then shot Ms. Lowe while she was sleeping. Mr. Espino said that he was so upset, he tried to shoot himself. He could not, so he left. Mr. Espino later told the Board that he may have stayed at Ms. Lowe's house and made phone calls before leaving. Board Members then asked Mr. Espino whether he thought about calling anyone to help Ms. Lowe, who was likely still alive, after he shot her. Mr. Espino said he had not.

When asked, Mr. Espino told the Board that he met Ms. Lowe at Job Corps, while he was sober. A Board Member then asked Mr. Espino about an August 1, 1997 letter from the Holyoke Detective Bureau. The letter stated that "Espino had problems at Job Corps, mostly due to his violent temper... friends of Espino and Ms. Lowe told police of their deteriorating relationship. He continued to be violent. She was not willing to take any further beatings. She broke off the relationship." Mr. Espino claimed that this was the first he had heard about such a letter. The Board Member also noted that Mr. Espino had been denied parole at previous hearings because he had not participated in enough rehabilitative programs, particularly those that addressed domestic violence. Mr. Espino said that he attended Alcoholics Anonymous and Narcotics Anonymous and has been sober since 1982. He also said he has taken Jericho Circle, Violence Prevention, Alternatives to Violence, and Anger Management. Mr. Espino also stated that he does

not know what "domestic violence" means. Mr. Espino explained that he cannot read or write very well, but that he is taking preparatory classes towards getting his G.E.D.

Mr. Espino stated that his parole plan would be to live with his mother and attend such programs as Alcoholics Anonymous, Narcotics Anonymous, and Anger Management. He would try to get a job as a painter or landscaper. Board Members questioned Mr. Espino as to how he would conform to the requirements of parole, given his previous statement that he shot Ms. Lowe because he doesn't like being told what to do. It was explained to Mr. Espino that parole comes with many conditions and requirements and, in many ways, he would be told what to do. Mr. Espino explained that since going to prison, he has become accustomed to being told what to do and would be able to abide by parole conditions. A Board Member noted that without a G.E.D., Mr. Espino would require financial help and a very structured parole plan. Mr. Espino agreed.

Jose Espino's niece and her husband spoke in support of parole. Ms. Lowe's sister spoke in opposition to parole. Hamden County Assistant District Attorney Howard Safford also spoke in opposition to parole. The Holyoke Police Department submitted a letter of opposition.

III. DECISION

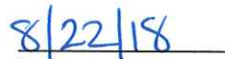
The Board is of the opinion that Jose Espino has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Espino still exhibits signs of anger, defiance, and contempt. Mr. Espino does not appear remorseful or accept responsibility for his criminal culpability.

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. Espino's 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. Espino's risk of recidivism. After applying this standard to the circumstances of Mr. Espino's case, the Board is of the unanimous opinion that Jose Espino is not yet rehabilitated and, therefore, does not merit parole at this time.

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