



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

THOMAS ESTEP

W49076

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 2, 2012

DATE OF DECISION: July 23, 2013

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, 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 at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

On October 2, 2012, Thomas Estep appeared before the Massachusetts Parole Board for a review hearing on his life sentence for second degree murder. On September 10, 1990, following a jury trial in Bristol Superior Court, Mr. Estep was convicted of the second-degree murder of Leisha A. Sanford, age 28, and was sentenced to serve life in prison. The Appeals Court affirmed his conviction on May 9, 1995. *Commonwealth v. Estep*, 38 Mass. App. Ct. 502 (1995), *rev. denied*, 420 Mass. 1105 (1995). Subsequent motions for a new trial have been unsuccessful. *Commonwealth v. Estep*, 46 Mass. App. Ct. 1126, *rev. denied*, 430 Mass. 1101 (1999); *Commonwealth v. Estep*, 51 Mass. App. Ct. 1111, *rev. denied*, 434 Mass. 1107 (2001). The following facts are culled from the Appeals Court's 1995 opinion.

Mr. Estep, then age 27, Ms. Sanford, and her 16 month old daughter lived in a third-floor apartment in Fall River. Ms. Sanford was the mother of five children. At approximately 8:00 am, on November 10, 1989, Mr. Estep discovered Ms. Sanford in a bedroom, lying sideways on the bed, fully clothed, with her feet touching the floor on the side of the bed. The police were called to the apartment and, when they arrived, they discovered that Ms. Sanford was dead. She had multiple bruises on her arms, legs, and face, including swelling of her left eye, a one-half inch bruise on the bridge of her nose and small contusions to her left eye.

The police investigation revealed that the previous evening, Mr. Estep, Ms. Sanford, and some neighbors had a party at Mr. Estep's apartment. At some point, Mr. Estep stated that the guests could not have any more beer because there were only a few left. Despite his remark, Ms. Sanford took a beer from the refrigerator and gave it to one of the male guests, asking if "he had anything for her." Mr. Estep walked over to Ms. Sanford and gave her a "little slap" and told her to calm to down. A short time later, the guests left. Later that night, neighbors heard loud voices and banging coming from the apartment. The banging sound continued throughout the night. It sounded like someone being thrown against the wall.

Mr. Estep gave a statement to the police. At first he stated that he found Ms. Sanford in an unconscious state outside the door to the apartment and that he carried her to the bedroom. He later said that, after the guests left, he confronted Ms. Sanford about the incident with the male guest and began to slap her around the kitchen. Ms. Sanford fought back and kicked Mr. Estep several times in the groin area. Mr. Estep then threw Ms. Sanford against the wall in the kitchen several times until she lay down on the floor. Mr. Estep noticed blood coming out of her nose and mouth. Mr. Estep then went into the living room and fell asleep on the couch. Although he did not remember hitting Ms. Sanford with an object or an axe handle, Mr. Estep told the police that he "probably" did.

An autopsy revealed at least six bruises under her scalp. One-quarter cup of blood surrounded her brain, and blood was also found between the skull cap and her brain, indicating trauma. Ms. Sanford's brain shifted in the cranial cavity causing tearing and some shearing effects. Ms. Sanford suffered from several bruises and lacerations to her face, which included half-inch purple contusions of her right upper and lower eyelids a half-inch contusion on the bridge of her nose; a purple-blue swelling of her left earlobe; a red-brown contusion on her left chin; contusions on her left jaw and the base of her chin, and lacerations on her left lower lip and right upper lip.

The autopsy also described trauma to Ms. Sanford's neck in that there was a ligature furrow of her neck with acute hemorrhaging, indicating strangulation by means of a cord or rope. Strangulation was also suggested by the presence of petechial hemorrhages, or small red to purple spots, within her left eye indicating bleeding and asphyxiation. The autopsy provided further details indicating Ms. Sanford suffered a violent death, including a confluence of bruises over her sternum and her chest on both the left and right sides; bruises on her right hand, wrist, arm, and elbow; bruising on Ms. Sanford's left hand, wrist and forearm. There was a three inch bruise on Ms. Sanford's left knee, a five inch bruise on her right thigh, and "an irregular deep abrasion measuring approximately five inches in length" on her right shin, which itself was surrounded by a purple-brown contusion.

The cause of death was multiple blunt impact injuries to the head and neck.

II. PAROLE HEARING ON OCTOBER 2, 2012

This is Mr. Estep's fourth appearance before the Board. He seeks parole to a long term residential program as designated by the Board. Upon completion of the program, Mr. Estep would transition to residency with his wife.

Mr. Estep had an initial parole hearing on October 20, 2004. The Board denied parole with a review in four years, determining that Mr. Estep, who claimed at the hearing that he was unsure if he had committed murder, showed no remorse and little insight into the causative factors of his crime. In his appeal of the denial, Mr. Estep contended that a "reasonable possibility exists that someone other than [himself] had motive and opportunity to murder Ms. Sanford," insisted that he "absolutely did not" commit the crime, yet accepted responsibility for it "because it occurred in [his] apartment and because [he] was in a deep alcohol induced sleep and therefore did not wake up to prevent the incident." The Board denied his appeal and a subsequent request for reconsideration.

Mr. Estep had a review hearing on October 16, 2008. Again, the Board denied parole, this time with a one year review. The Board noted that, while Mr. Estep had made steps toward rehabilitation since his last hearing, it still had serious concerns that Mr. Estep failed to accept full responsibility for his crime, presented a new version of his crime at the hearing, and continued to claim that he did not remember what had happened. The Board also noted that, while Mr. Estep had recently completed violence programming, at his hearing he failed to acknowledge that he had violence issues with women.

Mr. Estep had another review hearing on October 27, 2009, following which the Board denied parole with a three year review. The Board noted that it still had serious concerns with Mr. Estep's inability to take responsibility for his extreme violent behavior in the murder of Ms. Sanford and had not addressed his issues of violence toward women. Mr. Estep appealed the denial, contending that testimony from a female witness concerning his physical and mental abuse of her was false. The Board denied the appeal.

Upon being asked, Mr. Estep admitted at this hearing that he lied at all his previous parole hearings when denying his culpability or describing the crime. At this hearing, he gave more information on the murder, but adamantly denied strangling the victim. He claimed that he argued with the victim after a hard-drinking party at the Estep-Sanford apartment because she had lewdly touched a young man during the party. Mr. Estep admitted that he slapped the victim and "I believe I punched her once." He said he hit her "once in the legs" with an axe handle, which caused her to fall to the kitchen floor. Mr. Estep said he tried to help her up by offering his hand, but she kicked him. According to Mr. Estep, the fight ended as he retreated to the living room couch and the victim walked into the bedroom. Board Members told Mr. Estep that his account does not explain the extensive injuries suffered by the victim. Board Members noted that there is also no other evidence that the victim lewdly touched a male guest. The other guests who testified at trial did not report that act.

The autopsy report documents head, brain, and neck injuries, including a "ligature furrow ... with acute hemorrhage." Board Members asked Mr. Estep about the incontrovertible evidence that he used a ligature to strangle Ms. Sanford. He said that approximately one week before the murder, Ms. Sanford injured her own neck by running into a clothesline. Board

Members did not accept this explanation, in part because the neck injuries contributing to death were acute.

Board Members asked Mr. Estep about allegations that he physically abused the victim on previous occasions and that he was very physically abusive with a previous girlfriend who testified at Mr. Estep's 2009 parole hearing. He denied any prior incident of domestic violence; he said, "I never resorted to violence before." With respect to the prior relationship, he said he was "the one who was mostly abused."

Leisha Sanford's mother, sister, daughter, and niece testified in opposition to parole. They described these prior incidents of domestic abuse: he drove his car at Leisha while she held her baby; Leisha had red marks on her neck two weeks before the murder; and he told the victim's mother that he would never let Leisha leave him while he showed her his tattoo which said "KILL." Bristol Assistant District Attorney Dennis Collins spoke in opposition to parole. Mr. Estep's wife testified in support of parole. They were married in 2005. She said Mr. Estep is remorseful but "cannot express it publicly." She said they used to argue frequently, but the programs have helped him and they have not argued in the past six months.

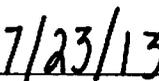
III. DECISION

Thomas Estep brutally murdered Leisha Sanford and, rather than committing to rehabilitation, has spent 23 years lying about his violent conduct. He has even gone so far as to accuse an innocent person of being the killer. In 2004, he said he did not commit the murder and falsely accused another man; in 2008 and 2009, he said he did not remember most of the events; in this hearing, he admitted to striking some blows but denied committing the most extensive and serious injuries, including the ligature strangulation and brain injuries. Lying about his violent conduct in committing the murder clearly evidences that Mr. Estep is not rehabilitated. Given this brutal crime and incidents of previous domestic violence combined with the lack of rehabilitation, Mr. Estep remains a threat to public safety.

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. Estep is not a suitable candidate for parole. The review will be in five years, during which Mr. Estep needs to commit to rehabilitation based on an honest accounting of his criminal thinking and criminal conduct related to domestic violence.

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.


Caitlin C. Casey, Chief of Staff


Date