

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

THOMAS ESTEP

W49076

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 26, 2017**

DATE OF DECISION: **September 13, 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 unanimous decision that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 10, 1990, following a jury trial in Bristol Superior Court, Thomas Estep was convicted of second degree murder in the death of Leisha A. Sanford and sentenced to serve life in prison with a possibility of parole. Mr. Estep unsuccessfully appealed his verdict.¹

At the time of the murder, Mr. Estep, (age 27), Leisha Sanford (age 28), and Ms. Sanford's 16-month-old daughter lived together in an apartment in Fall River. On the morning of November 10, 1989, police responded to a call about a suspicious death at their apartment. Upon arrival, officers found Ms. Sanford lying on her back on the bed. She had multiple bruises on her arms, legs, and face. The medical examiner estimated that she had been dead for 6 to 8 hours. Mr.

¹ *Commonwealth v. Estep*, 38 Mass. App. Ct. 502 (1995) rev. denied, 420 Mass. 1105 (1995)

Estep told police that he and Ms. Sanford had been drinking heavily the night before and had a fight, which resulted in Ms. Sanford banging her head on the kitchen counter. Mr. Estep was arrested for the murder of Ms. Sanford shortly thereafter.

II. PAROLE HEARING ON OCTOBER 26, 2017

Thomas Estep, now 54-years-old, appeared before the Parole Board for a review hearing on October 26, 2017. He was represented by Student Attorneys Lindsay Jacobsen and Matthew Perry from the Northeastern University Law Clinic. Mr. Estep was denied parole after his initial hearing on October 20, 2004. Parole was denied again after review hearings in 2008, 2009, and 2012.

Mr. Estep submitted a psychological evaluation from the Brenner Assessment and Consultation Center that showed he has significant reading and writing impairments and reads at a first or second grade level. Mr. Estep has also had seven concussions and may have had lead poisoning as a child. In addition, Mr. Estep began drinking heavily at age 14. The Board asked Mr. Estep to let them know if he had trouble understanding any of the questions he was being asked at the hearing. Mr. Estep told the Board that he understood everything at that time.

In his opening statement to the Board, Mr. Estep apologized to the Sanford family for killing Leisha Sanford. He also apologized for falsely accusing Ms. Sanford's former husband of the murder and for misleading the Parole Board at previous hearings. The Board questioned Mr. Estep about the murder of Ms. Sanford. Mr. Estep told the Board he had consumed over 20 beers at a party they were having on the night of the murder. He slapped Ms. Sanford after she made (what he thought were) sexual advances towards a young man at the party. After the party-goers left, he said he punched Ms. Sanford, and she fell to the ground, hitting her head. After Ms. Sanford got up, Mr. Estep said he pushed her into a chair that fell over, and she hit her head on the edge of a kitchen counter. Mr. Estep said the last thing he remembers is laying down on the couch in the living room and seeing Ms. Sanford go into the bedroom. When questioned by the Board as to whether he beat Ms. Sanford in the bedroom, Mr. Estep claims he has no memory of that night after lying down on the couch. Mr. Estep agreed that it was possible he beat Ms. Sanford in the bedroom, but he has a history of blacking out when he drinks.

The Board asked Mr. Estep as to why he feels he has not been previously paroled. Mr. Estep responded that at his 2012 hearing, he thought domestic violence only meant physical abuse. Mr. Estep said that through his participation in various programs, such as Anger Management, Violence Reduction, Jericho Circle, and End Violence, he has come to understand that physical violence is only one of the many forms that domestic violence can take. Mr. Estep said he now recognizes that financial abuse, emotional abuse, and isolation (of the victim) are also forms of domestic violence. Mr. Estep recognized that he had a pattern of abuse in his relationships. He told the Board that he is no longer a risk to reoffend because he has learned to recognize, and avoid, the triggers for his abusive conduct. Mr. Estep said he also recognizes the significant role that alcohol abuse played in his abusive behavior. Mr. Estep's attorney noted that Mr. Estep has had no formal disciplinary reports since 2008 and has never been placed in higher security. Mr. Estep told the Board that he has not been able to access other programs, such as Correctional Recovery Academy (C.R.A.), because of his literacy problems. Mr. Estep is addressing his literacy issues now, as he is enrolled in Adult Basic Education (A.B.E.). Mr. Estep said that he has 28 years of sobriety and attends Alcoholics Anonymous and Narcotics Anonymous meetings twice a week, and maintained steady work in the Maintenance Department at MCI-

Norfolk. When Board Members asked if Mr. Estep has taken any classes that specifically dealt with domestic violence, Mr. Estep said that he has not, although he discussed the issue in other classes.

Mr. Estep's friends and family wrote letters in support of parole. Mr. Estep's ex-girlfriend and Ms. Sanford's sister testified in opposition to parole. Ms. Sanford's family and friends wrote letters of opposition, as well. Bristol County Assistant District Attorney Michael Sheehan testified in opposition to parole.

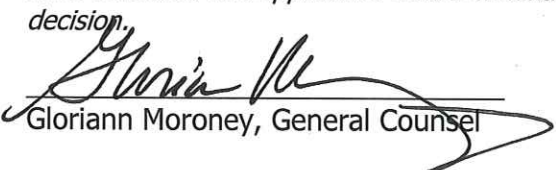
III. DECISION

The Board is of the opinion that Thomas Estep has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Although Mr. Estep appears to be on the right path, it is the opinion of the Board that there is still more work to be done. In their decision, the Board took into consideration Mr. Estep's cognitive limitations. In addition, the Board made accommodations during the hearing to address his cognitive deficits/needs.

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

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

9/13/18
Date

COMMONWEALTH OF MASSACHUSETTS

PAROLE BOARD

CENTRAL OFFICE VOTE SHEET

Date Received

12/1/17

Commitment Name

R+H

Commitment No.

W49706

TYPE OF REQUEST

Number of Votes in Agreement Required

H

FINAL VOTE

SPECIAL CONDITION(S) MUST BE RECORDED ON REVERSE SIDE

☐ 1. Reserve☐ 2. Denied☐ 3. Action Pending☐ 4. Postpone☐ 5. Prior Vote to Stand☐ 6. Warrant to Stand☐ 7. Withdraw Warrant, Resume Supervision☐ 8. Provisional Rescission, PONAL☐ 9. Add Special Condition☐ 10. Remove Special Condition☐ 11. Other: _____

VOTE:

REASON(S):

BOARD VOTE - 1

VOTE / REASON(S):

BOARD VOTE - 2

VOTE / REASON(S):

BOARD VOTE - 3

VOTE / REASON(S):

BOARD VOTE - 4

VOTE / REASON(S):

BOARD VOTE - 5

VOTE / REASON(S):

BOARD VOTE - 6

VOTE / REASON(S):

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