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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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Paul Treseler  
Chairperson

Michael J. Callahan  
Executive Director

**DECISION**

**IN THE MATTER OF**

**VICTOR BRIAN SANDIFORD**

**W81177**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** November 3, 2015

**DATE OF DECISION:** December 22, 2015

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Sheila Dupre, Tonomey Coleman, Ina Howard-Hogan, 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 unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On December 20, 2002, in Suffolk Superior Court, Victor Brian Sandiford was convicted of the second degree murder of Gregory McFadden. Mr. Sandiford was also convicted of armed assault with intent to murder Kevin West as well as possession of a firearm, possession of ammunition and assault and battery by means of a dangerous weapon. Subsequently Mr. Sandiford was sentenced to life in prison with the possibility of parole for Mr. McFadden's murder. Simultaneously, he was sentenced to a term of imprisonment not less than 12 years and not more than 15 years for the armed assault with intent to murder Mr. West, this sentence to be served from and after the life sentence. Mr. Sandiford was also ordered to serve a term of imprisonment not less than 3 years and not more than 5 years for his conviction of possession of a firearm, this sentence to be served concurrently with the life sentence. The



convictions for possession of ammunition and assault and battery by means of a dangerous weapon were placed on file. Mr. Sandiford is currently 49 years old.

During August of 1996, Mr. Sandiford was living in the Roxbury neighborhood of Boston. On the day of Mr. McFadden's death, August 18<sup>th</sup>, Mr. Sandiford went to Mr. McFadden's home three times to demand a fish tank Mr. McFadden had agreed to store for him, but which he had not immediately returned. Mr. Sandiford grew more agitated with each visit to Mr. McFadden's home, especially after he learned Mr. McFadden was using the tank to house his own fish. Subsequent to the third visit, Mr. McFadden and others drove to Mr. Sandiford's home. Shortly after their arrival, Mr. Sandiford came outside and shot Mr. McFadden and Mr. West. Mr. McFadden was struck by gunfire three times in the chest, leg and back. He succumbed to his wounds shortly after being rushed to the Boston Medical Center. Mr. West survived with a single gunshot wound to his back.

Mr. Sandiford fled the area immediately and eventually left the country for Montreal, Canada. While in Montreal, Mr. Sandiford was apprehended after he attempted to flee the scene of a routine traffic stop. Mr. Sandiford was transported back to Massachusetts after authorities learned he was wanted in connection with Mr. McFadden's murder and the shooting of Mr. West.

## **II. PAROLE HEARING ON NOVEMBER 3, 2015**

Mr. Sandiford came before the Parole Board on November 3, 2015 for an initial hearing. Mr. Sandiford was represented by Student Attorneys Joshua R.L. Demers and Shantanu Chatterjee during his appearance before the Board. Mr. Sandiford gave an opening statement to the Board, in which he apologized for his actions. During the course of the hearing, he spoke about the day of the murder. According to Mr. Sandiford he had gone to Mr. McFadden's home three times that day to retrieve a fish tank. Mr. Sandiford explained to the Board that the tank was significant to him because he wanted to pass it on to his little brother, who was moving into his own apartment. Mr. Sandiford had previously given all of his own furniture to his brother for the new apartment.

Subsequent to his third trip to Mr. McFadden's home, Mr. Sandiford bumped into an acquaintance from his neighborhood. He knew this person to be someone with access to a gun and he asked if he could borrow it. After receiving the gun, Mr. Sandiford went home and lied down. Prior to entering his home, he placed the gun in a cooler in the hallway.

After a short period of time, Mr. Sandiford began to hear loud noises coming from outside his house. He could hear men shouting profanities and asking where he was. At the time, Mr. Sandiford's brother was the only other person present in the home. Mr. Sandiford's brother told him to stay upstairs while he dealt with the situation. Mr. Sandiford's brother told the men, which included Mr. McFadden and Mr. West, that Mr. Sandiford was not home. The situation continued to escalate and Mr. Sandiford grew concerned for his brother's safety. After retrieving the gun, Mr. Sandiford came downstairs. Mr. Sandiford approached his brother from behind, pulled him back into the house and stepped into the doorway while firing at Mr. McFadden and Mr. West.

Immediately after the shooting, Mr. Sandiford fled to New York for approximately 2 days and then to Canada for 4 years. While in Canada, Mr. Sandiford told the Board he had no contact with his family. While he admitted to being aware that he had caused injuries during the shooting, Mr. Sandiford told the Board he first learned of Mr. McFadden's death when he was arrested by Canadian authorities. During his trial, Mr. Sandiford told the Board he lied under oath when he took the stand to assert a claim of self-defense.



Mr. Sandiford acknowledged that he has struggled to address his issues with anger management, since his incarceration began. Mr. Sandiford described his impatience and selfish attitude as being the primary factors behind his involvement in Mr. McFadden's murder. Since that time, Mr. Sandiford described his work towards overcoming this issue through participation in a variety of programs including those founded on principles of restorative justice. Mr. Sandiford also described his involvement in selling drugs, prior to Mr. McFadden's murder. According to Mr. Sandiford, he did so to earn extra money to support his children, but stopped after being robbed at gun point.

Over the course of the hearing, Mr. Sandiford made the following statement when asked if he felt he was rehabilitated: "I believe I have come a long way and I will continue. This is just the beginning of my journey." The Board received documentation of these programs and heard testimony both in support and in opposition to Mr. Sandiford's petition for parole.

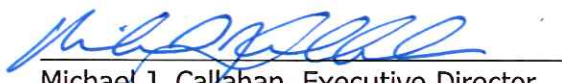
### **III. DECISION**

The Board is of the opinion that Mr. Sandiford has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming to address his anger management issues would be beneficial to Mr. Sandiford's rehabilitation.

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. Sandiford'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 whether risk reduction programs could effectively minimize Mr. Sandiford's risk of recidivism.

After applying this standard to the circumstances of Mr. Sandiford's case, the Board is of the unanimous opinion that Mr. Sandiford is not yet rehabilitated and therefore does not merit parole at this time. Mr. Sandiford's next appearance before the Board will take place in three years from the date of the initial hearing related to this decision. During the interim, the Board encourages Mr. Sandiford to continue working towards his full rehabilitation by committing to programming that will address his anger management issues.

*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.*

  
Michael J. Callahan, Executive Director

December 22, 2015  
Date