

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



PAROLE BOARD

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DECISION

IN THE MATTER OF

VICTOR SANDIFORD

W81177

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **November 15, 2018**

DATE OF DECISION: **June 12, 2019**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe ¹

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 vote that the inmate is a suitable candidate for parole. Parole is granted to Mr. Sandiford's from and after sentence of 12-15 years with special conditions.

I. STATEMENT OF THE CASE

On December 20, 2002, in Suffolk Superior Court, a jury found Victor Sandiford guilty of the second-degree murder of Gregory McFadden. He was sentenced to life in prison with the possibility of parole. On that same date, he was also found guilty of armed assault with intent to murder, assault and battery with a dangerous weapon, unlawful possession of ammunition, and unlawful possession of a firearm. Mr. Sandiford received a 12-15 consecutive sentence for the armed assault. He received a 3-5 year sentence for the unlawful firearm possession, ordered to be served concurrently with his life sentence. The assault and battery charge and unlawful possession of ammunition charge were placed on file. Mr. Sandiford has an

¹ Board Member Soto-Abbe was present at the hearing, but was not a Board Member at the time of vote.

Immigration and Customs Enforcement (ICE) detainee and was ordered to be deported to his home country of Trinidad and Tobago.

On August 18, 1996, Victor Sandiford (age 27) shot and killed 26-year-old Gregory McFadden in the Roxbury neighborhood of Boston. On the day of the shooting, Mr. Sandiford went to Mr. McFadden's home three times to demand a fish tank that Mr. McFadden had agreed to store for him, but which he refused to return. On one of the visits, Mr. Sandiford brought a friend with him who was an off-duty police officer. Subsequent to the third visit, Mr. McFadden and two other men drove to Mr. Sandiford's house and knocked on the door. When Mr. Sandiford's brother answered the door, a heated argument ensued. Mr. Sandiford, hearing the argument, came outside and shot Mr. McFadden and one of the other men. Mr. McFadden was struck by gunfire three times in the chest, leg, and back. He succumbed to his wounds shortly after being rushed to Boston Medical Center. The other man survived a single gunshot wound to his back.

Immediately after the shooting, Mr. Sandiford fled the area. He eventually left the country for Montreal, Canada, where he was apprehended after a traffic stop. He was extradited back to Massachusetts to face murder charges.

II. PAROLE HEARING ON NOVEMBER 15, 2018

On November 15, 2018, Mr. Sandiford, now 49-years-old, appeared before the Parole Board for a review hearing. He was represented by Northeastern University Law School Student Attorney Freda Spencer. Mr. Sandiford had been denied parole after his initial hearing in 2015. In his opening statement to the Board, Mr. Sandiford apologized to the friends and families of his two victims. Mr. Sandiford also apologized to the community for the ripple effects of his violent acts. Board Members questioned Mr. Sandiford as to which of the 17 rehabilitative programs he completed were most helpful. Mr. Sandiford said that Emotional Awareness helped him identify how feelings of frustration and indignation triggered him to react violently. He now understands that he needs to properly deal with emotions that stem from traumatic events. Mr. Sandiford shared his experience in speaking with the mother of a murder victim at Restorative Justice, when he expressed his sorrow for the victims' families, for lying about the shooting, and for fleeing. Mr. Sandiford also explained the importance to him of expressing his sorrow to the McFadden family at his last hearing.

The Board questioned Mr. Sandiford as to the underlying facts of the murder. Mr. Sandiford stated that he did not shoot his victims over a fish tank, but rather, he shot them because he was not able to manage his emotions. He reported feeling frustrated that Mr. McFadden was stealing from him, after going to Mr. McFadden's house several times to retrieve his fish tank. He became afraid that the confrontations with Mr. McFadden and his friends would escalate, so he borrowed a gun for protection. He felt disrespected when Mr. McFadden showed up with a group of people at his mother's house, confronting his little brother. Mr. Sandiford confessed that he came to the porch and shot the two men out of anger, not in self-defense. He admitted to the Board that he lied at his trial about acting in self-defense.

When Board Members questioned Mr. Sandiford about his institutional history, he reported that his last disciplinary report was in 2009. He has worked as an apprentice barber and a janitor throughout his incarceration. Mr. Sandiford told the Board that he mentors

younger inmates about non-violence, while working at his jobs. Mr. Sandiford reported that he also participates in a religious group two to three times a week. He stated that he does not have substance abuse issues. Mr. Sandiford asked the Board to parole him to his 12-15 year consecutive sentence. After serving his consecutive sentence, Mr. Sandiford expects to be released to his Immigration and Customs Enforcement detainer and deported to his native Trinidad and Tobago. He said that his father lives part-time in Tobago, and he has many relatives there who would also support his parole. Mr. Sandiford would like to open a barbershop, own a restaurant, or work as a plumber.

Mr. Sandiford's sister, brother, and fiancée testified in support of parole. Mr. Sandiford's sister and son submitted letters of support. Both Mr. McFadden's daughter and the mother of his child testified in opposition to parole. Suffolk County Assistant District Attorney Charles Bartoloni testified in opposition to parole and submitted a letter of opposition. Boston Police Commissioner William Gross also submitted a letter of opposition.

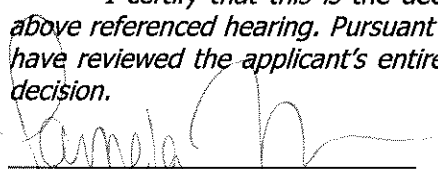
III. DECISION

The Board is of the opinion that Victor Sandiford has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He should continue to engage in rehabilitative efforts and maintain a positive deportment.

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 a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Sandiford's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Sandiford's case, the Board is of the unanimous opinion that Victor Sandiford is rehabilitated and, therefore, merits parole at this time. Parole is granted to his from and after sentence of 12-15 years with special conditions.

SPECIAL CONDITIONS: Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Mandatory must adhere to the rules and regulations of the Massachusetts Department of Correction - remain disciplinary report free, program compliant, and employed.

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.


Pamela Murphy, General Counsel


Date