



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**KHAMBOR PHOUTHONGSENG**

**W50487**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** May 30, 2013

**DATE OF DECISION:** March 10, 2014

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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. PRIOR PAROLE HISTORY**

Khambor Phouthongseng is serving a life sentence for the second degree murder of Ms. Daravanh Phachansiri. He received parole after his first parole hearing in 2006. He was released to the custody of Immigration Customs Enforcement (ICE) for deportation to Laos. He was released in Massachusetts, however, because Laos does not accept repatriations from the United States. Mr. Phouthongseng violated parole by beating his girlfriend in November 2007, which resulted in parole revocation. The Parole Board gave him a second parole after a hearing in May 2009. Mr. Phouthongseng is in custody after a second revocation because a restraining order issued against him in October 2012 due to his harassment of a former girlfriend. Mr. Phouthongseng is seeking a third parole on his life sentence.

## **II. STATEMENT OF THE CASE**

On May 6, 1991, Khambor Phouthongseng was found guilty of murder in the second degree of Ms. Daravanh Phachansiri, age 28, and was sentenced to life in prison. Mr. Phouthongseng became involved in the case due to his friendship with the Phachansiri brothers – Souvanheuang and Souvanna. Souvanheuang and the victim had been married and divorced. The victim's remarriage to another man (known as Suki) created the hostility that led the Phachansiri brothers and Khambor Phouthongseng to murder the ex-wife. At the same trial, both Phachansiri brothers were also convicted of second degree murder; they are serving life sentences and their requests for parole have not been granted.

On February 10, 1990, the victim, Daravanh Phachansiri (formerly married to Souvanheuang Phachansiri), her husband, Suki, and their two children attended a party in Plymouth. Khambor Phouthongseng and the two Phachansiri brothers, as well as other family members, were all present at the party in Plymouth.

During the party the Phachansiri brothers argued with the victim and her husband Suki. During the argument, Souvanheung Phachansiri punched the victim in the face and his brother, Souvanna, threatened Suki with a gun. As a result of this altercation, Suki ran to a nearby gas station and called the police. The police arrived and directed people to leave. The attendees of the party dispersed, leaving in two separate vehicles. Khambor Phouthongseng traveled in a van with the Phachansiri brothers and other members of the Phachansiri family. The family members included the mother of the Phachansiri brothers, and at least four young children.

The victim drove with Suki and their children. They stopped for gas in Revere. The Phachansiri van followed the victim's car to the gas station, where the Phachansiris initiated a confrontation. Souvanheung Phachansiri punched Suki in the face and they began to fight. Souvanna Phachansiri joined the fight, again threatened to shoot Suki, and stabbed him in the hand with a broken beer bottle. The victim exited her car apparently to assist her husband. Witnesses observed her being dragged into the van by the Phachansiri brothers and Khambor Phouthongseng. A short time later a witness driving behind the van stated the victim was thrown out the sliding door of the moving van onto the street. The occupants of the van fled and were found in Lowell where Khambor Phouthongseng and his co-defendants were apprehended.

Ms. Phachansiri's body was described as having blood on her nose and chest. Her clothes were in shambles and her brassiere had been cut off. In addition her pants had been pulled down and there were stab wounds and numerous injuries on her body. The Medical Examiner determined that the cause of death was manual strangulation and blunt force trauma. The autopsy report documented bleeding with a fractured bone in the neck, multiple fractured ribs, internal injuries, and multiple lacerations, abrasions, and stab wounds.

### **III. PAROLE HEARING ON MAY 30, 2013**

Khambour Phouthongseng appeared for his parole hearing seeking release after revocation. He testified primarily in English, but was able to use the services of a Laotian interpreter for assistance when needed. Board Members had a particular interest in hearing Mr. Phouthongseng describe his actions during the murder and during his two parole revocations. Mr. Phouthongseng was adamant that in all three situations he committed no crimes and "did nothing wrong."

He grew up in Laos and reported that he had a normal upbringing, living with his family, attending school only to the seventh grade, and working in the fields. At age 23 he came to the United States in 1984 with his family because "the regime changed to communists." He said that "I saw people shot." He lived in Pennsylvania for two years and moved to Lowell in 1986, where he worked as a forklift driver for three years. He held that job at the time of the murder. He told parole staff in an interview that he had several fights in Laos with "girls," but he denied any such disagreements when a Board Member questioned him at the hearing.

When asked about the restraining order and related events that led to his parole revocation, Mr. Phouthongseng repeatedly said, "I didn't do anything wrong." He said, "I loved her and respected her; I never hurt other people verbally or physically." He could not explain why she sought a restraining order. He said that "she was jealous" and caused their break up. He said, "she threw my clothes into the street because she thought I was sleeping with somebody else, but I didn't do that."

Mr. Phouthongseng took a similar approach in describing his first parole revocation. He said that his girlfriend was "drunk" and she was "mad" due to events at a party she attended. He denied having any involvement in the events that caused her to be upset. He said he was doing laundry after the party when his girlfriend called the police for no reason. He said several times that "I didn't do anything wrong." When asked why the police had to break in when no one answered the door, he said that "my girl hold me; I didn't do anything wrong; she was pulling me and slapping me and holding me; there was a knock on the door, but she held me." Board Members pointed out that, after the police broke the door, they entered to find Mr. Phouthongseng on top of his girlfriend with his hands around her neck. He said the police were wrong, and that "I did not choke my girlfriend; it was her fault; I wasn't arguing with her; every time I had a woman I respected her."

A Board Member asked why Mr. Phouthongseng had several documented incidents of trouble with women while on parole. He explained that "a lot of women like me; when I had a girlfriend that was the problem; every time I went out she thought I was going to see another woman but I never do anything wrong." When asked if he had a girlfriend in Pennsylvania when he first came to this country, he revealed that he did. He said that a friend told him about a woman living in Virginia, and Mr. Phouthongseng said that "I went to Virginia to get her." This girlfriend also "came to Massachusetts," where it was the "same story, jealousy is why we broke up."

Describing the murder, Mr. Phouthongseng said he drank "Heineken beer and Hennessey" brandy on the van ride. He knew the co-defendants because they were students together in an English as Second Language class in Lowell and he had socialized at their

apartment. In describing the series of events, Mr. Phouthongseng described himself as a peacemaker: he tried to break up the fight at the Plymouth gas station near the party; and during the fight at the Revere gas station he "told everybody to stop and go home but they didn't listen to me." He said that each time he intervened it was at the request of the co-defendants' mother. He denied that he was physically aggressive and said he never touched the victim or her husband at the gas stations or in the van. He said "no one put their hands on" the victim in the van. When a Board Member asked how the victim's clothing was cut, he said "I looked back when she fell out and was rolling and her clothing was cut then." The Board Member asked if he actually saw that and he said, "I saw her clothing cut when she was rolling."

Upon being asked about specific evidence provided by witnesses, Mr. Phouthongseng said he did not pull the victim's hair, strike her husband, or force the victim into the van. He claimed that no one abducted the victim and that she got into the van voluntarily. Based on the verdict, the evidence, and common sense, Board Members concluded that Mr. Phouthongseng lied about all his conduct and the conduct of his co-defendants.

Suffolk Assistant District Attorney Charles Bartoloni submitted a letter opposing parole. Mr. Phouthongseng's brother-in-law testified in support of parole. Mr. Phouthongseng gave a closing statement in which he reiterated that "I didn't do anything wrong" and "I never harmed people in my life."

#### **IV. DECISION**

Khambor Phouthongseng received an extraordinary opportunity when he received parole after denying all responsibility for his crimes, despite the jury's verdict based on reliable and extensive evidence. At all three of his parole hearings, Phouthongseng has claimed he had no role in abducting the victim, did not participate in attacking her in the van, and was unaware of any attack by his co-defendants, despite being in the van when she was assaulted, beaten, and strangled. At this hearing, Phouthongseng claimed the victim fell out of the van; in previous hearings he claimed she jumped out of the van, suggesting that she caused her own death.

Denying responsibility and lying about the major aspects of the crime are most often signs of lack of rehabilitation. Not surprisingly, Phouthongseng continued with criminal thinking on parole. His abusive behavior with two women, including a violent physical beating, demonstrates that he is not rehabilitated and that he presents a considerable risk in the community. At this hearing, Phouthongseng once again displayed his unreformed criminal thinking by repeatedly lying about his behavior that led to a restraining order. He gave the Board no reason to conclude that he would behave differently if paroled a third time.

Khambor Phouthongseng would be likely to re-offend if re-paroled and his release is not compatible with the welfare of society. Accordingly, parole is denied. The review will be in five years, during which time he needs to reform his criminal thinking by addressing his issues related to dishonesty, anger, violence, and controlling and abusive behavior with women.

*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.*

  
Janis DiLoreto Noble, General Counsel

3/10/14  
Date