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Paul M. Treseler
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DECISION

IN THE MATTER OF

KHAI LE
W69712

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 28, 2016

DATE OF DECISION: November 7, 2016

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 the 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 that the inmate is a suitable candidate for parole. Parole is granted with special conditions and after successful completion of two years in lower security.¹

I. STATEMENT OF THE CASE

On March 23, 1998, in Middlesex Superior Court, Khai Le pled guilty to unlawful possession of a firearm and to the second degree murder of Sang Thanh Lam. Mr. Le was sentenced to life in prison with the possibility of parole for the murder of Mr. Lam. Mr. Le was also sentenced to prison for not more than five years, and not less than four and a half years, for his conviction of unlawful possession of a firearm. The life sentence was from and after the sentence for unlawful possession of a firearm.

Mr. Le resided in California at the time of Mr. Lam's murder in Massachusetts. Once close friends, both he and Mr. Lam were known to each other. Mr. Le was also close friends with Mr. Lam's sister-in-law, Mallory Johnson. However, in the fall of 1995, Ms. Johnson's

¹ Four Members of the Parole Board voted to grant Mr. Le parole with special conditions after completion of two years in lower security. Two Board Members voted to deny parole with a review scheduled in three years from the date of the hearing.

relationship with Mr. Lam had become strained. Having learned of Ms. Johnson's distress, Mr. Le became upset and decided to intervene. On November 12, 1996, Mr. Le purchased a 9 mm Glock pistol and took lessons at a firing range in California. Subsequently, Mr. Le took his gun and left for Massachusetts in a van he had purchased from Ms. Johnson. Knowing that Mr. Lam worked for the Raytheon Company, Mr. Le first sought him out at a Raytheon facility in Lowell, and then at a plant in Tewksbury. Mr. Lam was last seen on surveillance video checking out of work on November 19, 1996, at approximately 5:55 p.m. At around that time, Raytheon employees indicated that they had heard what they believed to be gunshots close by. Since the area was wooded, with only some residences, the employees did not alert the authorities or make any further investigation.

On November 20, 1996, at approximately 6:30 a.m., security personnel at the Raytheon plant in Tewksbury found Mr. Lam's body. He had been shot to death in his car. The cause of death was determined to be homicide due to multiple gunshot wounds. The medical examiner indicated that each of the five rounds that struck Mr. Lam could have been fatal by itself. Mr. Le was interviewed by police during the ensuing criminal investigation. He admitted to being in Massachusetts at the time of Mr. Lam's murder and to asking for him at the Raytheon facility in Lowell. The Massachusetts State Police Ballistics Unit determined that the 9 mm Glock pistol Mr. Le had purchased in California was a match with the spent shell casings found with Mr. Lam's body. At the time he was killed, Mr. Lam was 39-years-old and a single parent.

II. PAROLE HEARING ON JUNE 28, 2016

Mr. Le, now 46-years-old, appeared before the Parole Board on June 28, 2016, for an initial hearing. In his opening statement to the Board, Mr. Le apologized to Mr. Lam's family and stated that he accepted full responsibility for Mr. Lam's murder. He said that he was aware of how his actions had ruined the lives of Mr. Lam's family members, and he expressed his remorse, sorrow, and shame. Mr. Le further apologized to his own family and to the community. He stated that he vows to make amends and wants to be a responsible, law-abiding member of society.

In describing the crime, Mr. Le stated that he went to a gun store in California and asked the manager to recommend the best gun to purchase for protection. After a background check and a 20 day waiting period, he purchased a 9 mm Glock pistol and went to a shooting range one time for target practice. After arriving in Massachusetts, he familiarized himself with the area. Some days later, he arrived at Raytheon (where Mr. Lam worked) at around 4:00 p.m. At that time, the parking lot was full, so he went to a coffee shop. He returned to Raytheon after 5:00 p.m. and, by then, the parking lot had thinned out. He stated he was concerned about accidentally shooting someone else. Mr. Le said that he sat in his car and waited for Mr. Lam. He testified that he "just wanted to shoot him" and that he had no second thoughts at the time. Mr. Le said that, without ever getting out of his car, he shot Mr. Lam (who was in his own car). Mr. Le then drove off and headed back to California. Upon questioning from the Board as to what Mr. Le was thinking at the time of the murder, he responded that he was focused on solving this family's problem, which he believed to be Mr. Lam. Mr. Le stated that he was fixated on doing the right thing for the family out of loyalty. Mr. Le admitted, however, that he had a distorted view of loyalty at the time he committed the crime.

Mr. Le has been at MCI-Norfolk since 2004. He told the Board that he works there as a food server/houseman several days a week and tutors other inmates by request. He said that he completed programs, including Health Awareness, Alternatives to Violence, and Emotional Awareness. He also stated that he completed some religious based programs. Mr. Le said that he is on the waitlist for Cognitive Skills, Jericho Circle, and Path to Freedom. Mr. Le informed the Board that he graduated from UCLA and, at the time of his crime, was an engineer. He stated that he would like to give back and repay for what he has done, but that he needs a lifetime to do so. If parole is granted, he would like to live with his parents in California and work in one of his sister's companies. He would also like to tutor.

The Board considered oral testimony from Mr. Le's father, who expressed support for Mr. Le's parole on behalf of both himself and his wife. The Board also received testimony from Lyn Levy of SPAN Inc., who stated that SPAN was prepared and able to assist Mr. Le with the re-entry process, should he be granted parole. The Board also considered testimony from Middlesex County Assistant District Attorney Christina Lucci, who expressed opposition to Mr. Le being granted parole.

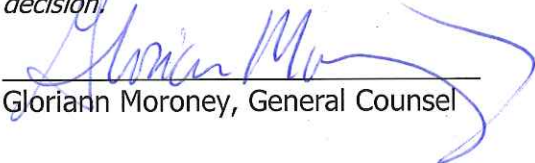
III. DECISION

The Board is of the opinion that Mr. Le has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board grants Mr. Le parole with special conditions and, after successful completion of two years in lower security, to an approved home plan in California. Mr. Le will be supervised by the California authorities via the Interstate Compact for Adult Offender Supervision. In reaching this decision, the Board notes that Mr. Le has a minimal criminal history and is serving his first incarceration. The Board further recognizes Mr. Le's positive institutional adjustment, low risk assessment score, and strong family support.

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. Le'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. Le's risk of recidivism. After applying this standard to the circumstances of Mr. Le's case, the Board is of the opinion that Mr. Le merits parole at this time.

SPECIAL CONDITIONS: Approve home plan before release via Interstate Compact to California; Waive work for two weeks; Must be at home between 10pm and 6am or at Parole Officer's discretion; GPS/electronic monitoring at Parole Officer's discretion; No drug or alcohol use with testing for compliance, and in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have substance counseling and adhere to plan; Must have mental health counseling for adjustment/transition.

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

11/7/16
Date