



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**KHAMBOR PHOUTHONGSENG**

**W50487**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** May 31, 2018

**DATE OF DECISION:** April 11, 2019

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, and 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 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.<sup>1</sup>

**I. STATEMENT OF THE CASE**

On May 6, 1991, in Suffolk Superior Court, Khambor Phouthongseng was found guilty of second degree murder in the death of 28-year-old Daravanh Phachansiri. He was sentenced to life in prison with the possibility of parole. That same day, he was also convicted of kidnapping and received a concurrent sentence of 8-10 years. Mr. Phouthongseng filed an appeal, but the judgments were affirmed.<sup>2</sup>

On February 10, 1990, 28-year-old Khambor Phouthongseng, Souvanheuang Phachansiri, and Souvanna Phachansiri attended a family party in Plymouth. Mr. Phouthongseng was friends with the Phachansiri brothers. Also present at the party were Souvanheuang Phachansiri's ex-

<sup>1</sup> Two Board Members voted to deny parole with a four year review.

<sup>2</sup> *Commonwealth v. Souvanheung Phachansiri (and six companion cases)*, 38 Mass.App.Ct. 100 (1995).

wife, Daravanh Phachansiri, her husband, and Daravanh's two children from her former marriage to Mr. Phachansiri. During the party, Mr. Phachansiri was overheard telling his mother that he had \$20,000 to \$30,000 in the bank. Daravanh then asked him, "Why don't you pay child support?" Mr. Phachansiri responded by punching Daravanh in the face. Her husband told Mr. Phachansiri to stop, and the two men began to fight. Then Souvanna pulled out a gun and threatened her husband. As a result of this altercation, her husband ran to a nearby gas station and called the police. When the party broke up, Mr. Phachansiri, Souvanna, Mr. Phouthongseng, the Phachansiri brothers' mother, Souvanna's wife, and four children left in a blue van. Daravanh, her husband, and her two children left in a different vehicle.

On their way home, Daravanh and her husband stopped in Revere to buy gas. When her husband got out of the car to pay for the gas, Mr. Phachansiri walked up to him and punched him in the face. The two men proceeded to fight. Souvanna joined in the fight, threatened to shoot him, and then stabbed him in the hand with a broken beer bottle. Mr. Phouthongseng also joined the fight and hit him in the head. After a few moments, Daravanh exited her car. Her husband saw Mr. Phouthongseng grab Daravanh by the hair and pull her towards the van. Her husband then ran to the office to call the police. Witnesses saw Daravanh thrown into the van through the side door. As the van was pulling away, her husband screamed for it to stop; he ran up to it and struck the driver's side window. The van sped away, and he ran into the street. A witness at the time stated that Daravanh was thrown from the van onto the street. She had blood on her nose and chest. Her clothes were in shambles, and her brassiere had been cut off. Also, her pants had been pulled down, and there were stab wounds and numerous injuries on her body. Subsequently, she passed away. The occupants of the van fled the scene. Mr. Phouthongseng was found in Lowell and arrested.

## **II. PAROLE HEARING ON MAY 31, 2018**

Khambor Phouthongseng, now 56-years-old, appeared before the Parole Board for a review hearing on May 31, 2018. He was not represented by counsel. He was paroled after his initial parole hearing in 2006. In 2007, however, Mr. Phouthongseng was arrested for assault and battery on his girlfriend, which resulted in his parole revocation. He was paroled again after a review hearing in 2009. In 2012, Mr. Phouthongseng was returned to custody after the issuance of a restraining order for harassment of a former girlfriend. On January 8, 2013, his parole revocation was affirmed. He was denied parole after his review hearing in May 2013.

In Mr. Phouthongseng's opening statement to the Board, he took full responsibility for his wrongdoings and acknowledged his 23 year incarceration. Mr. Phouthongseng spoke about the events surrounding the murder, stating that he was drunk. When a Board Member asked Mr. Phouthongseng if he knew why Daravanh's bra was cut, he said that she jumped from the van during the incident, but was unaware of what happened to her bra. Mr. Phouthongseng was further questioned as to why Daravanh's pants were pulled down, and he responded that her body probably hit the rubble in the road and rolled over. He stated that he was seated in the last row of the van at the time of the incident.

Mr. Phouthongseng told the Board that since the last hearing, he completed the Beacon Program, Path to Freedom Program, and ESL school. He denied any mental health or medical issues. When Board Members questioned Mr. Phouthongseng about his parole history, he acknowledged that he was paroled in 2006, but was returned to custody in 2007, when he was

charged with assault and battery. Mr. Phouthongseng indicated that a woman was drunk and called police. A Board Member noted that he was paroled again in 2009, but was returned to custody in 2012. Mr. Phouthongseng explained that he was involved in another relationship, but only found out that a restraining order was issued against him when he was placed in custody by parole officers.

The Board considered testimony in support of parole from Mr. Phouthongseng's brother-in-law. A letter of opposition was submitted by Suffolk County Assistant District Attorney Claudia Arno.

### **III. DECISION**

Although progress has been made, the Board is of the opinion that Mr. Phouthongseng has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. A longer period of positive institutional adjustment and program participation is necessary.

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

Mr. Phouthongseng's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Phouthongseng 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.*

  
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Shara Benedetti, Acting General Counsel

4/11/19  
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Date