

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

KHAMKONG CHITTAMATH

W85889

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 21, 2018

DATE OF DECISION: July 22, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On July 14, 2005, in Suffolk Superior Court, a jury found Khamkong Chittamath guilty of the second-degree murder of 23-year-old Gift Chea. Mr. Chittamath was sentenced to life in prison with the possibility of parole. On that same date, he was convicted of unlawful possession of a firearm and received a 3 to 5 year sentence to be served concurrently. Mr. Chittamath unsuccessfully appealed his convictions.¹ Mr. Chittamath has an Immigration and Customs Enforcement (ICE) detainer lodged against him and an order to be deported to Laos, if paroled.²

¹ Commonwealth v. Khamkong Chittamath, 71 Mass. App. Ct. 1123 (2008), cert. denied 451 Mass. 1108 (2008).

² Laos is not currently accepting deportees from the United States.

On September 5, 2003, Khamkong Chittamath (age 20) shot and killed 23-year-old Gift Chea in Revere. Mr. Chittamath was a member of a security threat group. On the night of the murder, Mr. Chittamath and three of his friends were driving in his white Acura Integra. Several more friends were traveling in the three cars behind them. Shortly after 10:00 p.m., Mr. Chittamath stopped his car at Revere Beach, close to where Mr. Chea and a group of his friends (who belonged to a rival security threat group) were socializing. Mr. Chittamath and his friends exited their cars and, shortly thereafter, engaged in a confrontation with Mr. Chea and his friends. Mr. Chittamath took a .25 caliber Titan automatic pistol and fired 5 shots at Mr. Chea. Mr. Chea was rushed to the hospital, where he died from his wounds the next day. Witnesses, who had reported seeing him flee the scene in a white Acura Integra, identified Mr. Chittamath from a photo array. Lynn police located a white Acura Integra, registered to Mr. Chittamath, in front of his house. Mr. Chittamath made incriminating statements following his arrest.

II. PAROLE HEARING ON AUGUST 21, 2018

On August 21, 2018, Khamkong Chittamath, now 35-years-old, appeared before the Parole Board for an initial hearing. Mr. Chittamath was not represented by an attorney at his hearing, but was afforded a Laotian interpreter. In his opening statement to the Board, Mr. Chittamath apologized to the victim's family. The Board questioned Mr. Chittamath about living in a refugee camp as a young child and, then, immigrating to Boston. Mr. Chittamath told the Board that his abusive father called him "Drum" because his father used to beat him so often. At around age 13, Mr. Chittamath became involved in gang activity and described how he and his friends stole bicycles and then cars, where they sold parts from the stolen vehicles. At age 15, Mr. Chittamath described gang-life as becoming more violent, as he and his friends were fighting rival gangs. At around age 16, Mr. Chittamath started to carry a gun, stating that he shot his brother in an argument after his brother threw a bottle at him. He also admitted to shooting at someone who had previously fought with his brother.

The Board questioned Mr. Chittamath as to the events leading up to the murder of Mr. Chea. Mr. Chittamath said that he and his friends went to Revere to visit the brother-in-law of one of his friends. After drinking at the brother-in-law's home, the group drove to Revere Beach to continue drinking. Mr. Chittamath claimed that after he and his friends arrived at the beach, Mr. Chea approached him and said, "What's up?" in a threatening manner and then threatened him (Mr. Chittamath) with a knife. Mr. Chittamath took a pistol out of his pocket and shot Mr. Chea in the abdomen from a distance of three feet away. Mr. Chittamath reported that Mr. Chea was still coming after him, so he fired three more shots at Mr. Chea as he ran away. When Board Members asked whether he argued self-defense at his trial, Mr. Chittamath said that he did, but because a knife was not found at the crime scene, the jury did not believe his story.

Board Members noted that Mr. Chittamath is still considered a member of a security threat group. In addition, Mr. Chittamath incurred a disciplinary report (in 2013) for fighting and a disciplinary report (in 2012) for trying to make alcohol. When a Board Member questioned him about his involvement in a security threat group, Mr. Chittamath explained that he had begun the renunciation process in 2005. However, in 2013, he had a physical altercation with a member from a rival group and was assaulted by another member the following year. Mr. Chittamath reported that although he did not initiate the fights, these altercations have delayed his renunciation process. When the Board questioned him about

trying to make alcohol, Mr. Chittamath admitted that he tried to make "homebrew." He denied having any substance abuse problems.

Mr. Chittamath stated that he is housed at MCI-Shirley Medium Security, where he worked in the kitchen and then worked at the Health Services Unit, feeding older inmates. When a Board Member asked if he had completed Correctional Recovery Academy (CRA), Mr. Chittamath claimed he could not complete the program because it interfered with his HiSET classes. He reported, however, that he completed basic, advanced, and community Alternatives to Violence Programs, Emotional Awareness, and English as a Second Language classes. When questioned about his parole plan, Mr. Chittamath asked for a step down to lower security and, if not deported back to Laos, hopes to attend a residential re-entry program. Mr. Chittamath would like to work with re-entry organizations, such as the Francis House and the Straight Ahead Program in Boston, to help him find a job and housing. He has the support of his mother, who lives in Connecticut. If deported back to Laos, Mr. Chittamath said that he is in contact with an uncle who lives there.

Mr. Chittamath's family and a friend submitted letters in support of parole. Suffolk County Assistant District Attorney Charles Bartoloni testified in opposition to parole and submitted a letter of opposition.

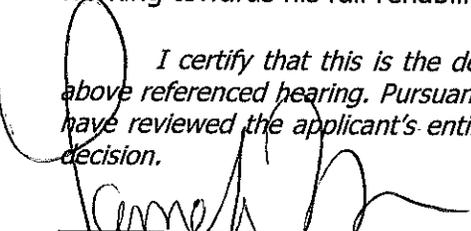
III. DECISION

It is the opinion of the Board that Mr. Chittamath has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. He should engage in the Restorative Justice programming.

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

Mr. Chittamath'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. Chittamath 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.


Pamela Murphy, General Counsel


Date