



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

NGOAN LE

W85240

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 24, 2018

DATE OF DECISION: May 8, 2019

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 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 scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 28, 2005, in Salem Superior Court, Ngoan Le pleaded guilty to second degree murder in the death of 32-year-old Hanh Thituyet Phan. He was sentenced to life in prison with the possibility of parole.

On May 5, 2000, at approximately 11:15 p.m., an emergency 911 hang-up call was placed to the Haverhill Police Department from 36 Vine Street in Haverhill, apartment 9. An officer was dispatched and found the main entrance to the multi-unit apartment to be locked. The officer observed Ms. Phan covered with blood on a stairwell, against the left wall. The entrance was gained by ringing another tenant's doorbell. Ms. Phan was unresponsive and suffering from numerous stab wounds to the face, arms, chest, neck, and legs, some of which were consistent with defensive wounds. Other officers followed a trail of blood to apartment 9 and into a bedroom, where they found Mr. Le in his underwear, lying on a mattress that was on the floor. Mr. Le was also unresponsive and suffering from a very deep laceration to his left

wrist, consistent with a self-inflicted knife injury. A large bloody kitchen knife was located next to the mattress.

A doctor at Hale Hospital pronounced Ms. Phan dead at approximately midnight. An autopsy determined the cause of death to be multiple stab wounds and concluded the manner of death to be a homicide. Mr. Le was transported to Lawrence General Hospital, where he was treated for the knife laceration. Laboratory tests taken from Mr. Le showed a 0.11 full blood alcohol reading. Officers placed him under arrest at Lawrence General Hospital.

There were no co-defendants in this case, and no appeals were filed.

II. PAROLE HEARING ON JULY 24, 2018

Ngoan Le, now 57-years-old, appeared before the Parole Board for his initial hearing on July 24, 2018. He was represented by Attorney John Rull. Mr. Le was afforded the assistance of a Vietnamese interpreter during the hearing. In his opening statement to the Board, Mr. Le apologized to those who have been affected by the murder of Ms. Phan. He provided an overview as to how he has been rehabilitated, as well as the causative factors that lead to the brutal murder of his wife.

Mr. Le described the precipitants to the murder of Ms. Phan; he stated that within the weeks leading up to the murder, he was involved in two altercations with his wife. During the first argument, Mr. Le had suspected that his wife was unfaithful because he found clothes in their home that did not belong to them. When Mr. Le confronted his wife, an argument ensued. The verbal argument escalated when Mr. Le slapped his wife approximately two times across the face, and she called the police. The Haverhill Police Department responded to their home and interviewed his wife, but Mr. Le said that they never spoke with him.

During the second incident, Mr. Le said that his wife asked him to take their daughter to visit her parents in New Orleans. While in New Orleans, Mr. Le said that he overheard a conversation between his wife and daughter that angered him. Upon returning to Haverhill, his suspicions of infidelity, and his anger, escalated. While waiting for her to return home, Mr. Le consumed approximately six beers. At some point, he said that he received a phone call from an unknown male. When Ms. Phan returned home, Mr. Le became enraged and grabbed a kitchen knife, stabbing her 10 times without provocation. Although Mr. Le claimed that his intent was to scare her, the Board expressed their concerns as to his minimization of the offense. The Board noted other documented incidents of concerning behavior by Mr. Le that dated back to 1997. Mr. Le informed the Board that his internal anger and drug/alcohol abuse were the underlying factors of his criminal conduct.

Mr. Le is currently incarcerated at MCI-Norfolk, where he is employed in the clothing shop. Since his last hearing, he has completed programming to include, but not limited to: Jericho Circle, Leadership and Transformative Thinking, Countdown to Freedom, Alternatives to Violence (several phases), and Path to Freedom. Additionally, he attends Alcoholics Anonymous weekly and is compliant with his mental health case-plan and medication regimen. Mr. Le has not incurred any disciplinary infractions since 2005.

Several family members of Mr. Le were present during the hearing; three spoke in support of parole. Essex County Assistant District Attorney Emily Mello spoke in opposition to parole and submitted a written statement in opposition to parole, as well.

III. DECISION

It is the opinion of the Board that Ngoan Le has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Le has yet to accept full responsibility for the murder of his wife, and he minimizes his criminal culpability.

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 a risk and needs assessment and 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 unanimous opinion that Ngoan Le is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Le'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. Le 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.



Shara Benedetti, Acting General Counsel

5/8/19

Date