

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

OEUN LAM
W54453

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 8, 2025

DATE OF DECISION: September 2, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner,¹ Tonomey Coleman, Sarah B. Coughlin, James Kelcourse, Rafael Ortiz²

VOTE: Parole is granted on/after 30 days from date of Decision to ICE custody.³

PROCEDURAL HISTORY: On May 13, 1993, in Essex Superior Court, Oeun Lam was convicted of murder in the first-degree for the death of Cheang Ley Nhor. He was sentenced to life in prison without the possibility of parole. On that same date, a jury found Mr. Lam guilty of two counts of robbery and one count of armed assault in a dwelling. He received a life sentence to run concurrently with his first-degree murder.

Oeun Lam became parole eligible following the Supreme Judicial Court's decision in *Commonwealth v. Mattis*, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the

¹ Board Member Bonner was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

² Former Chair Hurley participated in the hearing on this matter but departed the Board prior to this decision.

³ According to the Department of Correction records, The U.S Immigration Customs Enforcement Agency lodged a detainer on February 19, 2009, which remains active (Oeun Lam W54453- Alien Number 27747706). He is ordered to be deported to Cambodia.

possibility of parole is unconstitutional. As a result of the SJC's decision regarding Mr. Lam's first-degree murder conviction, he was resentenced to life with the possibility of parole after 15 years.

On April 8, 2025, Oeun Lam appeared before the Board for an initial hearing. He was represented by Attorney Michael Waryasz. The Board's decision fully incorporates by reference the entire video recording of Oeun Lam's April 8, 2025, hearing.

STATEMENT OF THE CASE:⁴ On February 3, 1991, two masked men, 18-year-old Oeun Lam and his co-defendant, forced their way into the Nhor family residence in Lynn. Soth Nhor (age 46) and Cheang Ley Nhor (age 41) were home with their six children at the time. Mr. Lam and his co-defendant carried guns and attempted to rob the family. A struggle ensued when Mr. Nhor tried to protect his daughter. One of the intruders fired a shot, wounding Mr. Nhor and killing Mrs. Nhor.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. *Commonwealth v. Mattis*, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." *Id.* (citing *Diatchenko v. District Attorney for the Suffolk Dist.*, 466 Mass. 655, 674 (2013) (*Diatchenko I*); *Miller v. Alabama*, 567 U.S. 460, 471 (2012); *Graham v. Florida*, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. *See Mattis*, 493 Mass. at 225-229.

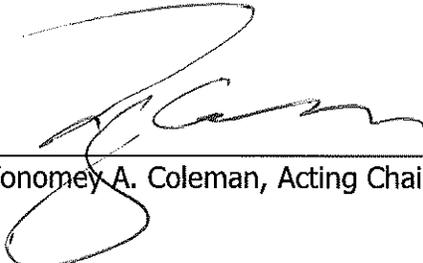
DECISION OF THE BOARD: Mr. Lam presented before the Parole Board for his initial hearing. He was 20-years-old at the time of the offense. He is currently 52-years-old. He has been

⁴ Taken from Brief of the Commonwealth. *Commonwealth v. Oeun Lam*, 420 Mass. 615 (1995).

incarcerated for 34 years. Mr. Lam provided a detailed history of being born in Cambodia and, by the age of four, was sent to a refugee camp as a result of a civil war. Mr. Lam provided insight into the relationship between his exposure to significant violence and other adverse childhood experiences, as well as generational trauma and difficulty with acculturation, to the offense. Mr. Lam invested in self-development and rehabilitation during his incarceration. He has earned his GED and participated in numerous programs to address his need areas. He has taken accountability and demonstrated remorse for his actions. He provided insight into the effect of his actions on the victims' family and community. Mr. Lam has worked as a companion, further demonstrating his level of compassion. Mr. Lam expressed a desire to give back to his community for the harm he has caused. The Board considered the forensic evaluation and testimony from Dr. Hidalgo and Social Worker Jenese Brownhill. Dr. Hidalgo is of the opinion that Mr. Lam is low risk to re-offend. Mr. Lam has a strong support network in the U.S.A. and Cambodia. The Board considered testimony in support of parole from two of Mr. Lam's friends. The Board considered testimony in opposition to parole from Essex County Assistant District Attorney Michael Sheehan. The Board also considered factors related to Mattis in rendering its decision. The Board concludes by unanimous decision that Mr. Lam has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Release to ICE custody; Release to approved home plan, if not in ICE custody; Waive work for ICE custody or 2 weeks; Electronic monitoring for 6 months; Supervise for drugs; testing in accordance with Agency policy; Supervise for liquor abstinence; testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact or association with co-defendants; No contact with victim's family; Must have mental health counseling for PTSD and adjustment.

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.



Tonomey A. Coleman, Acting Chair

9/2/25

Date