



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



**PAROLE BOARD**

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Paul M. Treseler  
Chairman

**DECISION**

**IN THE MATTER OF**

**PHAI YOU**

**W59378**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** January 23, 2018

**DATE OF DECISION:** September 24, 2018

**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 scheduled in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On October 5, 1995, in Middlesex Superior Court, Phai You pleaded guilty to the second degree murder of Bunra Oeur and was sentenced to life in prison with the possibility of parole. Mr. You also pleaded guilty to unlawful possession of a firearm and received a 3-5 year concurrent sentence.

On December 26, 1993, at about 2:00 a.m., a fight occurred among 15 rival gang members in Clyde's pool hall in Lowell. After the pool hall closed, witnesses said that Bunra Oeur (age 20) wanted to fight a member of a rival gang. Witnesses said that Phai You (age 26) immediately took out a revolver and fired at Mr. Oeur from about two feet away. As the victim fell backwards against a building, Mr. You fired additional shots to his face. Mr. You fled the scene, but was arrested later that week.

## **II. PAROLE HEARING ON JANURAY 23, 2018**

Phai You, now 51-years-old, appeared before the Parole Board for a review hearing on January 23, 2018. Mr. You had been denied parole at his initial hearing in 2009, as well as after his review hearing in 2014. He was represented by Northeastern Law School Student Attorneys Kelli McIntee and Amani Tuffaha. In his opening statement to the Board, Mr. You admitted that he was responsible for killing Bunra Oeur. He apologized to the victim's family and friends, and to members of the community, for his crime and his involvement in gang activity. Mr. You told the Board that his family fled persecution from the Khmer Rouge, leaving Cambodia for a refugee camp in Thailand when he was 12-years-old. He immigrated to the United States, eventually moving with his family to Long Beach, California when he was 15 or 16-years-old. Around that time, Mr. You said he joined a gang in response to attacks by other gangs in school and in his neighborhood. When a Board Member asked about his role as a gang member, Mr. You said that he got into fights, broke into houses and cars, and robbed people. The Board noted that Mr. You had multiple arrests involving firearms in California, multiple assaults with a firearm on a person, and an assault and battery with a dangerous weapon. In addition, there was a warrant for Mr. You's arrest for a gang-related stabbing. When a Board Member asked whether Mr. You was fleeing the warrant when he came to Lowell, he stated that he was. He explained that his house had been shot at by rival gang members, and that he did not want to go to jail in California due to gang violence.

When Board Members questioned Mr. You as to what transpired on the night of the shooting, he told the Board that Mr. Oeur was a member of a rival gang who disrespected his gang. Mr. You was also mad because the rival gang had shot at his house in California. Mr. You explained that he was angry, and that he fired in the "heat of the moment." The Board noted that in 1997, the Department of Corrections identified Mr. You as the leader of a named security threat group in prison. When a Board Member asked about his involvement, Mr. You said he joined that gang when he first went to prison, but that he does not recall being the leader. Mr. You told the Board that he renounced gang involvement about 2 months after being incarcerated. When the Board asked about witness intimidation prior to his trial, Mr. You agreed that he sent a letter threatening to kill a rival gang member, if he testified. Mr. You admitted to the Board that this was wrong. When questioned by a Board Member, however, Mr. You claimed that he did not know anything about shooting at rival gang members' houses.

Regarding program involvement, Mr. You said that some of the programs he completed were Restorative Justice reading group, Cognitive Behavioral Therapy (CBT) group, Emotional Awareness, and Security Threat Group Re-integration group. Mr. You is active in Alcoholics Anonymous and Buddhism. Mr. You asked the Parole Board to reserve him to an Immigration and Customs Enforcement (ICE) detainer, if paroled. Mr. You said he would most likely be deported to Cambodia, where he could live and work on his family's farm.

Mr. You's family sent letters to the Board in support of parole. Middlesex Assistant District Attorney Samuel Miller testified in opposition to parole. ADA Miller also read statements from Mr. Oeur's family in opposition to parole.

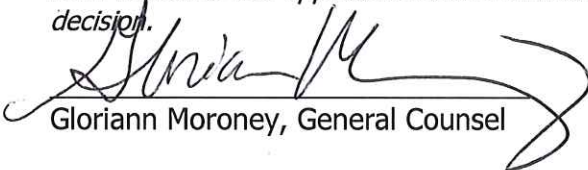
**III. DECISION**

The Board is of the opinion that Phai You has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. You has a long history of gang activity and violent behavior, including multiple robberies, stabbings, and the murder of Bunra Oeur. It is the opinion of the Board that Mr. You needs to engage in programming to address his causative factors and refrain from accruing any disciplinary infractions.

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

Mr. You'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. You 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.*

  
Gloriann Moroney, General Counsel

9/24/18  
Date