



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

Thomas A. Turco III  
Secretary

Telephone # (508) 650-4500  
Facsimile # (508) 650-4599

Paul M. Treseler  
Chairman

Gloriann Moroney  
Executive Director

**DECISION**

**IN THE MATTER OF**

**SOUVANHEUANG PHACHANSIRI  
W50489**

**TYPE OF HEARING:** Review Hearing

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

**DATE OF DECISION:** March 1, 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 a suitable candidate for parole. Upon District Attorney clearance, parole is granted to an Immigration and Customs Enforcement (ICE) detainer, subject to special conditions.

**I. STATEMENT OF THE CASE**

On May 6, 1991, in Suffolk Superior Court, a jury convicted Souvanheuang Phachansiri of the second degree murder of his ex-wife, 28-year-old Daravanh Phachansiri. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Phachansiri was also convicted of kidnapping and received an 8-10 year concurrent sentence. On January 30, 1995, the Appeals Court affirmed the judgment.<sup>1</sup>

On February 10, 1990, 30-year-old Souvanheuang Phachansiri, Souvanna Phachansiri (his brother and a co-defendant of Mr. Phachansiri) and Khambor Phouthongseng (his friend and a co-defendant of Mr. Phachansiri) attended a family party in Plymouth. Also present at the party were Souvanheuang Phachansiri's ex-wife, Daravanh Phachansiri, her husband, and

<sup>1</sup> Commonwealth v. Souvanheuang Phachansiri, 38 Mass. App. Ct. 100 (1995).

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 he 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. Phachansiri was found in Lowell and arrested.

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

Souvanheuang Phachansiri, now 58-years-old, appeared before the Parole Board on May 31, 2018, for a review hearing and was represented by Attorney John Rull. Mr. Phachansiri's initial hearing in 2006 resulted in the denial of parole. He was also denied parole after review hearings in 2011 and 2016. In Mr. Phachansiri's opening statement to the Board, he apologized to the family and friends of Ms. Phachansiri for his role in her death. He stated that during the last two years, he has done a "lot of self-reflection" and takes full responsibility and ownership for his past actions. He told the Board that on the night of the murder, his anger caused his ex-wife to die. He described her as an "innocent person." When speaking about the governing offense, Mr. Phachansiri told the Board that the victim and her husband were followed to the gas station because of his anger at the time.

Mr. Phachansiri told the Board that he has been incarcerated for 27 years. Since his last parole hearing, he said that he completed multiple programs, including Jericho Circle and Restorative Justice. He attends Alcoholics Anonymous/Narcotics Anonymous and works as a janitor at the facility, a job he has held since 1993. Mr. Phachansiri acknowledged that he has two sons and a daughter and indicated that he has a relationship with them. Mr. Phachansiri requests to be paroled to his Immigration and Customs Enforcement detainer, pursuant to a deportation order to his native country of Laos. In the alternative, he is seeking to reside with his sister and her husband in Plymouth, Massachusetts.

The Board considered oral testimony in support of parole from Mr. Phachansiri's nephew, sister, and son. The Board considered a letter in opposition to parole from Suffolk County Assistant District Attorney Claudia Arno.

### **III. DECISION**

The Board is of the opinion that Mr. Phachansiri has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. His release meets the legal standard and is compatible with the welfare of society.

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. Phachansiri's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Phachansiri's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Phachansiri's case, the Board is of the opinion that Souvanheuang Phachansiri merits parole at this time. Upon District Attorney clearance, parole is granted to an Immigration and Customs Enforcement (ICE) detainer, subject to special conditions.

**SPECIAL CONDITIONS:** Clearance from the District Attorney; Approve home plan before release; Release to Immigration and Customs Enforcement; Waive work for two weeks; Must be at home between 10:00 pm and 6:00 am; Electronic monitoring - GPS; 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; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for 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.*

  
Shara Benedetti, Acting General Counsel

3/1/19  
Date