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DECISION

IN THE MATTER OF

SOUVANNA PHACHANSIRI

W50488

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 17, 2016

DATE OF DECISION: May 23, 2017

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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 6, 1991, in Suffolk Superior Court, a jury convicted Souvanna Phachansiri in the second degree murder of 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 found guilty of kidnapping and assault and battery by means of a dangerous weapon. Mr. Phachansiri received two concurrent 8 to 10 year sentences for the kidnapping and assault and battery convictions.

On February 10, 1990, Souvanna Phachansiri (age 33), his brother Souvanheuag Phachansiri (a co-defendant), and his friend Khambor Phouthongseng (a co-defendant) attended a family party in Plymouth. Also present at the party were Souvanheuag's ex-wife, Daravanh, her husband "Suki," and Daravanh's two children from her former marriage to Souvanheuag. During the party, the Phachansiri brothers argued with Daravanh and Suki. At one point, Souvanna pulled out a gun and threatened Suki. Shortly after, Souvanna,

¹ Four Board Members voted to deny parole with a review in two years. Two Board Members voted to parole after six months in lower custody.

Souvanheuang, Khambor, the Phachansiri brothers' mother, Souvanna's wife, and four children left in a van. Suki, Daravanh, and Daravanh's two children (also Souvanheuang's children) left in a different vehicle. When Daravanh and Suki stopped in Revere to buy gas, Suki got out of the car to pay for it. A fight ensued with members of the other van. Souvanna threatened to shoot Suki, and then stabbed him in the hand with a broken bottle. Then, Daravanh exited the car. Witnesses saw Daravanh being thrown into the van through the side door. As the van was pulling away, Suki screamed for it to stop; he ran up to the van and struck the driver's side window with a "crook lock." The van sped away, and Suki ran into the street. He then saw a woman holding Daravanh, who was on the ground lying on her back. Daravanh's eyes were open, but she could not talk. Blood was on her nose and chest. Her clothes were in shambles and her brassiere had been cut off.

The occupants of the van fled the scene and were found in Lowell, where Souvanna and his co-defendants were apprehended.

II. PAROLE HEARING ON NOVEMBER 17, 2016

Souvanna Phachansiri, now 60-years-old, appeared before the Parole Board on November 17, 2016, for a review hearing and was represented by Attorney John Rull. Mr. Phachansiri's initial hearing in 2006 resulted in the denial of parole. His review hearing in 2011 also resulted in the denial of parole. Mr. Phachansiri has an Immigration and Customs Enforcement (ICE) detainer for deportation to his native country of Laos. Laos, however, does not typically accept deportations. In his opening statement to the Board, Mr. Phachansiri apologized to the family and friends of Ms. Daravanh Phachansiri, as well as to the community and his own family. Mr. Phachansiri also expressed shame and remorse for his actions.

Mr. Phachansiri was asked to discuss the events that transpired on February 10, 1990. Mr. Phachansiri stated that there were many people at his sister's birthday party, including Daravanh and her husband Suki. At some point, a fight broke out between Souvanheuang and Suki. Mr. Phachansiri had been in a different room when the fight broke out, but went downstairs to try to help stop the fight. Police arrived and broke up the party. Mr. Phachansiri then left the party in a van with his wife, children, mother, brother, nephews, and Khambor. Mr. Phachansiri told the Board that he was angry about his brother being hit and the presence of blood on his brother's face. Mr. Phachansiri, who was the driver, decided to follow Suki's car to the gas station. When asked why he followed them, Mr. Phachansiri replied, "Because of my anger" and indicated that he was going to fight Suki. However, as he was trying to break up a fight that erupted between his brother and Suki, Suki punched him in the face and he became angrier. Mr. Phachansiri grabbed a bottle out of a trash barrel and hit Suki with it. Mr. Phachansiri then proceeded to sit in the backseat of the van with the children.

According to Mr. Phachansiri, Daravanh entered the van to talk with Mr. Phachansiri's mother. Mr. Phachansiri maintains that Daravanh was not forced into the van. However, shortly after, Suki hit the driver's side window with an object, startling Mr. Phachansiri's wife (who was driving). She "took off" at a speed of approximately 35-40 miles per hour. Mr. Phachansiri claimed that Daravanh was saying, "Stop, stop. If you don't stop, I'm going to jump." In response, Mr. Phachansiri said, "Go ahead, if you want to die." Mr. Phachansiri said that he then heard Daravanh's seat belt "snap back." The Board asked how Daravanh's clothing ended up in disarray (including her bra having been cut off) and why the medical

examiner would testify that the cause of death was strangulation and blunt force trauma. Mr. Phachansiri, however, maintained that the injuries sustained by Darvanah were from jumping out of the van. He also maintained that she was not assaulted in the van.

Mr. Phachansiri was asked if he recalled why he received a five year set back from the Board in 2011. He indicated that the Board believed he did not take responsibility for pushing Daravanh out of the van. When asked if he still believes that Daravanh's death was an accident, Mr. Phachansiri said no. He explained that if he did not "instigate her," she would not have jumped. Mr. Phachansiri later indicated that he is "ashamed" that he took the life of his nephews' mother. He also told the Board that he is no longer the violent man that he was 26 years ago. Mr. Phachansiri said that after much "self-reflection, rehabilitation, and understanding" of the factors that led him to commit the offense, he now uses better judgment and makes better choices.

The Board also asked Mr. Phachansiri to address his addiction to alcohol. Mr. Phachansiri acknowledged that he is an alcoholic, telling the Board that he became an alcoholic after the death of his son, who drowned in 1989 (the year before Daravanh's death). Mr. Phachansiri presently attends Alcoholics Anonymous (AA), AA Big Book, and Narcotics Anonymous (NA) and has consistently gone to meetings throughout his incarceration. During his incarceration, Mr. Phachansiri has participated in over 40 programs, including the Alternatives to Violence Program (AVP), the Correctional Recovery Academy (CRA), CRA Graduated Maintenance, and Jericho Circle. At the time of this hearing, Mr. Phachansiri was about to begin the AVP advanced course. He has been employed as a carpenter for the past 16 years and actively practices his Buddhist faith.

Mr. Phachansiri's son, sister, niece, and two of his nephews (one of whom is the victim's son) provided oral testimony in support of parole. The Board also received letters in support of parole. Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter of opposition.

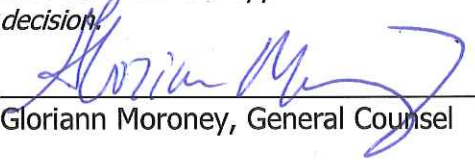
III. DECISION

Mr. Phachansiri has served 25 years in prison, but does not appear to be forthcoming. The Board encourages Mr. Phachansiri to continue to engage in meaningful programming and should continue to maintain a positive adjustment.

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 has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Phachansiri's risk of recidivism. After applying this standard to the circumstances of Mr. Phachansiri's case, the Board is of the opinion that Mr. Phachansiri is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Phachansiri's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Phachansiri 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

5/25/17
Date