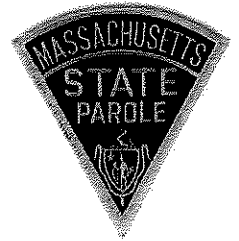




*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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Lieutenant Governor

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Chairman

DECISION

IN THE MATTER OF

**SOUVANNA PHACHANSIRI
W50488**

TYPE OF HEARING: Review Hearing
DATE OF HEARING: November 27, 2018
DATE OF DECISION: September 9, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe,¹ Paul Treseler

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. Parole is granted to an Immigration and Customs Enforcement (ICE) detainer with special conditions, but not before District Attorney clearance.

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 Souvanheuang Phachansiri (a co-defendant), and friend Khambor Phouthongseng (a co-defendant) attended a family party in Plymouth. Also present at the party were Souvanheuang's ex-wife, Daravanh, her husband Suki, and Daravanh's two children from her former marriage to Souvanheuang. During the party, the Phachansiri brothers argued with Daravanh and Suki. At one point,

¹ Board Member Soto-Abbe was not a Board Member at the time of vote.

Souvanna pulled out a gun and threatened Suki. Shortly after, Souvanna, 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. They were found in Lowell, where Souvanna and his co-defendants were apprehended.

II. PAROLE HEARING ON NOVEMBER 27, 2018

Souvanna Phachansiri, now 62-years-old, appeared before the Parole Board on November 27, 2018, and was represented by Attorney John Rull. Parole was denied after Mr. Phachansiri's initial hearing in 2006, and after his review hearings in 2011 and 2016. In his opening statement to the Board, Mr. Phachansiri offered his sincere apology to the children, family, and friends of Daravanh Phachansiri, and to the community and his own family, as well. Mr. Phachansiri also expressed shame and remorse for his actions.

The Board discussed Mr. Phachansiri's institutional adjustment since his last hearing. Mr. Phachansiri has been incarcerated at MCI-Norfolk since 1998. He is currently a copy clerk for the Deputy Superintendent and has been consistently employed throughout his incarceration. Since his last hearing, Mr. Phachansiri has continued to maintain a positive deportment and practices non-violent conflict resolution. He has completed Pathway to Freedom, Jericho Circle (Men's Integrity), and Nuestra Familia. He attends Alcoholics Anonymous (AA), AA Big Book, and Pre-General Educational Development (GED) programming, as required. According to his personalized program plan, Mr. Phachansiri has completed all other recommended programming at this time. During his 27 years of incarceration, there has been no indication of violence or use of substances.

In discussing the governing offense, Mr. Phachansiri did not dispute the facts, with the exception that he pulled out a gun and threatened Daravanh, and that she was intentionally murdered. He continues to express his sincere remorse for his actions that contributed to her death. He now recognizes that he was fueled by anger, after he observed his brother bleeding from the face. Mr. Phachansiri has addressed the causative factors that lead to the governing offense by participating in numerous programs throughout his incarceration, including such programs as Alternatives to Violence, Jericho Circle, and the Correctional Recovery Academy (CRA).

Mr. Phachansiri had several supporters in attendance at his hearing. The Board considered testimony from his niece, two nephews, son, and sister, who expressed their strong support for parole. Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter of opposition.

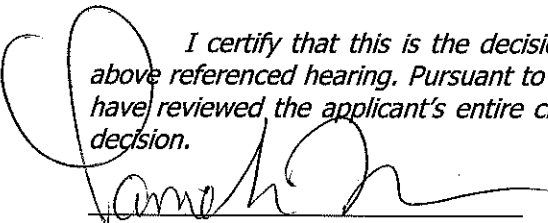
III. DECISION

The Board is of the opinion that Mr. Phachansiri has demonstrated a level of rehabilitative progress that meets the legal standard. His release is not incompatible 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 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 appropriately high standard to the circumstances of Mr. Phachansiri's case, the Board is of the opinion that Souvanna Phachansiri is rehabilitated and, therefore, merits parole at this time. Parole is granted to an Immigration and Customs Enforcement (ICE) detainer with special conditions, but not before District Attorney clearance.

SPECIAL CONDITIONS: Approve home plan before release; Release to other authority - ICE; Waive work for two weeks; Must be 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/transition.

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.


Pamela Murphy, General Counsel

9/9/2019
Date