



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairperson

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

VANN LONG
W54528

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 21, 2016

DATE OF DECISION: June 20, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 by unanimous vote that the inmate is a suitable candidate for parole. On June 16, 2011, Mr. Long was ordered removed from the United States to Cambodia by the US Immigration Court. A United States Immigration and Customs Enforcement (ICE) detainer is lodged with the Department of Correction. Mr. Long is to be reserved to the ICE detainer. If not deported, then the inmate must comply with specific conditions as set by the Parole Board.

I. STATEMENT OF THE CASE

On July 2, 1996, in Essex County Superior Court, Vann Long pled guilty to the second degree murder of Cheang Lei Nhor, as well as to armed assault in a dwelling house and armed robberies of the victim's husband and one of her daughters. Mr. Long was sentenced to a concurrent term of life imprisonment with the possibility of parole for each conviction. Mr. Long, who had previously been convicted of first degree murder on May 26, 1993 for the death of Ms. Nhor, entered this plea after successfully appealing a jury selection issue in his trial.

In February 1991, Mr. Long was living in Lowell with his girlfriend. Also residing with Mr. Long were his girlfriend's brother, Ouen Lam (a co-defendant of Mr. Long), as well as Mr. Long's girlfriend's sister, and the sister's boyfriend. On the evening of Ms. Nhor's death,

February 3, 1991, Mr. Long, Mr. Lam, and the other residents of their home went to a party in Lowell. Also present at the party was Saraya Sim, another co-defendant of Mr. Long. At some point after 11:30 p.m., Mr. Sim left the party to pick up his girlfriend (and his girlfriend's children) from a home in Lowell. Mr. Long and Mr. Lam followed Mr. Sim in a separate car.

While driving back to their apartment, Mr. Sim's girlfriend noticed that they were being followed. However, when she notified Mr. Sim that they were being followed, he told her to be quiet. After parking his car on Hanover Street in Lynn, Mr. Sim approached the vehicle occupied by Mr. Long and Mr. Lam and directed them to park nearby. The three men then followed Mr. Sim's girlfriend and her children into the home she shared with Mr. Sim. Once inside, the three men whispered in Cambodian, until Mr. Sim's girlfriend asked Mr. Sim to go buy cake for the children.

Immediately after Mr. Sim left, Mr. Long and Mr. Lam pointed guns at Mr. Sim's girlfriend and forced her up the stairs to the door of a second floor apartment. After putting masks on, they ordered Mr. Sim's girlfriend to knock on the door. At the time, the apartment was occupied by Ms. Nhor and her family. The family members were sleeping when Mr. Sim's girlfriend began to knock on the door. In response to the knocking, one of Ms. Nhor's sons slightly opened the door to the apartment. Mr. Long and Mr. Lam then forced their way inside and began to ransack the apartment. Mr. Long ripped a telephone cord from the wall and used it to tie up Ms. Nhor's husband and one of her sons. As Mr. Long and Mr. Lam robbed the apartment, Ms. Nhor's husband was able to untie himself and attacked one of the intruders. A struggle ensued and Ms. Nhor's husband was shot in the neck. The bullet, which evidence suggested was fired by Mr. Lam, passed through her husband's neck, fatally striking Ms. Nhor in the head. Both Mr. Long and Mr. Lam then fled the apartment.

II. PAROLE HEARING ON JANUARY 21, 2016

Vann Long, now 47-years-old, appeared before the Parole Board on January 21, 2016 for a review hearing and was represented by Student Attorney Sarah Farley and Student Attorney Elena Francis. Mr. Long was also assisted, at times, by a Vietnamese language interpreter. This was his third appearance before the Board, having been denied parole in 2006 and 2011.

In Mr. Long's opening statement to the Board, he apologized for his actions and expressed his remorse. During the course of the hearing, Mr. Long spoke about the night of the murder. According to Mr. Long, he had gone to a friend's apartment in Lynn to drink beer, smoke marijuana, and "hang out." While in the apartment, Mr. Long claimed that his friend, Mr. Sim, had discussed robbing his neighbors on the second floor. Mr. Sim believed that the family had about \$200,000 in cash, as well as jewelry and gold. Mr. Sim said that he could not carry out the robbery himself because the neighbors would recognize him. He then asked Mr. Long if he would like to help him with the robbery and split the money. When asked what effect beer and marijuana had on Mr. Long's participation in the crime, he said that while it played a role in bad decision making, he does not blame alcohol for his actions and takes responsibility for making poor choices.

Mr. Long stated that he put a t-shirt over his face to use as a mask, grabbed what he claimed was a "toy" gun, and headed to the second floor apartment with his co-defendant, Mr. Lam. Mr. Long said that he and Mr. Lam brought Mr. Sim's girlfriend with them to knock on the door. As the door opened, Mr. Long and Mr. Lam rushed into the apartment. Once inside the apartment, Mr. Long pointed the gun at members of the family and instructed Ms. Nhor and two of the children to sit in the corner. He then aimed the gun at Ms. Nhor's husband and one of her sons, demanding that they give him money. Ms. Nhor's husband and son told Mr. Long that they did not have any money or jewelry. Mr. Long tied up the husband and son with a telephone cord and proceeded to search the house for those items. He claimed that the only item he found was a locked suitcase. As Mr. Long was attempting to open the suitcase by banging his gun against it, a piece of the gun fell off. Ms. Nhor's husband and son were able to break free and attack Mr. Long and Mr. Lam. While Mr. Long was fighting with the son, he heard a gunshot go off as Mr. Lam was struggling with Ms. Nhor's husband. Upon hearing the shot, Mr. Long said that he ran from the apartment and outside to the car. Mr. Lam joined him in the vehicle and they drove off. Mr. Long maintains that he did not know that anyone was killed until he was arrested four days later.

Mr. Long spent most of his childhood in Cambodia under the oppressive rule of the Khmer Rouge. When he was about 7-years-old, he witnessed the execution of his father and 5-year-old sister. Mr. Long was also forced to do hard labor in child labor camps, where he saw other children being tortured and executed. When questioned by the Board as to the effect of the horrors he endured as a child, Mr. Long responded by saying that all he saw during that period was violence, and so he adapted to that way of life. The Board asked Mr. Long to discuss the factors that he felt contributed to his previous denials of parole. In response, he admitted to having a history of violence and rule breaking during his incarceration. Mr. Long thinks that part of his issues with violence stem from his difficulty in communicating and relating to other people. He has had a hard time adjusting to life in prison due, in part, to language and cultural barriers.

In describing the influences that prompted him to improve his behavior, Mr. Long credited programming and education for the positive changes in his attitude. He stated that he now understands the pain and suffering that he caused to Ms. Nhor's family. Mr. Long took responsibility for his role in the murder and acknowledged that even though he was not the one who shot Ms. Nhor, he is still responsible for her death. He now knows that his "selfish" actions resulted in the "unspeakable" loss of a wife and mother. Mr. Long believes that programming has helped him develop emotional awareness, and has better prepared him for situations that may have (previously) triggered a violent response. He is presently enrolled in Anger Management, the End Violence Program, and the Graduated Maintenance Program for substance abuse. He also participated in the Restorative Justice Program, Emotional Awareness, Emotional Healing, Toast Masters, and Criminal Thinking. Mr. Long has returned to practicing the Buddhist faith and continues to participate in Alcoholics Anonymous/Narcotics Anonymous (AA/NA).

The Board considered the testimony of two of Mr. Long's friends, each of whom expressed support for his release. The Board also considered the testimony of Essex County Assistant District Attorney Elin Graydon, who spoke in opposition to Mr. Long's parole.

III. DECISION

Mr. Long has served 22 years in prison and has maintained a positive record within the correctional system since 2009. He now appears empathetic and insightful of his actions that resulted in the death of Ms. Nhor. Mr. Long engaged in numerous programs and has maintained a positive institutional adjustment. The Board is of the opinion that Mr. Long has demonstrated his rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in his successful transition from incarceration. In forming this opinion, the Board has taken into consideration Mr. Long'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 whether a risk and needs assessment or risk reduction programs could effectively minimize Mr. Long's risk of recidivism.

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. After applying this appropriately high standard to the circumstances of Mr. Long's case, the Board is of the unanimous opinion that Mr. Long merits parole at this time.

SPECIAL CONDITIONS:¹ Approve home plan before release – ICE; Release to other authority – ICE; Waive work for two weeks; GPS monitoring at the discretion of parole officer; Must have substance abuse assessment; No drug or alcohol use, testing in accordance with agency policy; Report to assigned parole officer on the day of release.

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.


Gloriana Moroney, General Counsel

6/20/16
Date

¹ The Parole Board's regulations at 120 CMR 300.06(1) provide that "Where parole release is granted to a warrant or other legal process, release will not occur until the requesting authority is present to serve the warrant. The Massachusetts Parole Board's jurisdiction over the inmate shall continue while the inmate is subject to the outstanding obligation arising from such warrant or other legal process. The Parole Board Members may establish conditions which apply both before and after the obligation is satisfied."