

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

XAVIER MILLE

W84631

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 4, 2022**

DATE OF DECISION: **December 1, 2022**

PARTICIPATING BOARD MEMBERS¹: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On December 7, 2004, in Middlesex Superior Court, Xavier Mille plead guilty to second degree murder in the death of Souvanna Chittaphong. He was sentenced to life in prison with the possibility of parole. On that same day, Mr. Mille was convicted of armed assault with intent to rob and received a concurrent sentence of 7 to 10 years in state prison. Finally, he was convicted of unlawful possession of a firearm and was sentenced to a consecutive term of 3 years to 3 years and one day in state prison.

Mr. Mille appeared for his second parole hearing on August 4, 2022. He was represented by student attorneys from Northeastern University School of Law. Mr. Mille was denied parole after his initial hearing in 2017. The entire video recording of Mr. Mille's August 4, 2022, hearing is fully incorporated by reference to the Board's decision.

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.

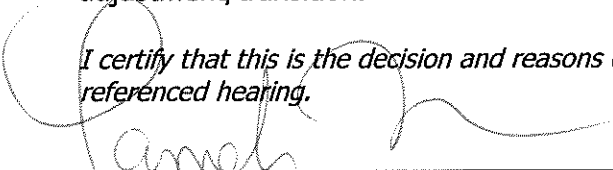
¹ Former Chair Gloriann Moroney was no longer a board member at the time of the vote.

Reserve to LTRP after six months in lower security. On January 19, 2002, 19-year-old Mr. Mille and his codefendants participated in the attempted armed robbery of three individuals, during which Mr. Mille shot and killed 29-year-old Souvanna Chittaphong. Since his last hearing, he has invested in significant rehabilitative programming to include Restorative Justice and is a leader in the B.R.A.V.E. unit. He has been employed in the Recreation Department since 2011. He has earned his GED and a barber's license. He also is certified by OSHA. At the hearing he accepted full responsibility for the murder and demonstrated insight into his role and the lasting effects his crime has on the victim's family. He presented a very strong reentry plan, and he has family and community support. He has a job offer in the community to be a street worker to serve at-risk youth. The Board encourages him to commit to counseling for adjustment and transition upon release.

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. Mille'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. Mille's risk of recidivism. Applying this standard to the circumstances of Mr. Mille's case, the Board is of the unanimous opinion that Xavier Mille is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to LTRP – must complete; Waive work for program; Curfew – PO's discretion; ELMO-electronic monitoring; 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; No contact with victim's family; Must have substance abuse evaluation and follow all recommendations; Counseling for adjustment/transition.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel

12/1/22
Date