



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

Daniel Bennett
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

XAVIER MILLE

W84631

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 19, 2017

DATE OF DECISION: August 23, 2018

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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 7, 2004, in Middlesex Superior Court, Xavier Mille pleaded guilty to second degree murder in the death of Souvanna Chittaphong. He was sentenced to a term of 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. Also, he received a sentence, from and after the murder charge, of 3 years to 3 years and a day on the unlawful possession of a firearm charge. On September 25, 2014, Mr. Mille filed a motion for new trial seeking to withdraw his pleas. On September 12, 2016, his motion was denied and, on January 4, 2017, the order was affirmed. An appeal was filed with the Appeals Court; however, on February 15, 2017, a motion to dismiss was filed by Mr. Mille's attorney and was allowed. Mr. Mille was 19-years-old at the time of the murder.

On January 18, 2002, 29-year-old Souvanna Chittaphong contacted an intermediary and asked him if he knew of anyone that could sell him \$25,000 worth of Ecstasy pills. Over the course of the next day (January 19, 2002), a deal to purchase 5,000 Ecstasy pills for \$25,000 was arranged in communication with others. Mr. Mille was to be involved in this deal, but he and the others could not obtain 5,000 pills to sell to Mr. Chittaphong. Instead, they decided to rob Mr. Chittaphong and the intermediary. Mr. Mille retrieved a firearm at his house and, during the ride to meet the buyers, loaded ammunition into a .44 caliber revolver. The transaction was to take place at a residence on Powell Street in Lowell, where all parties had gathered. At some point, Mr. Chittaphong ran out of the residence. Mr. Mille had a large silver handgun drawn, pointed it at Mr. Chittaphong, and shot him in the right side of his back. Mr. Mille then left the area. Mr. Chittaphong died of the gunshot wound a short time later.

II. PAROLE HEARING ON SEPTEMBER 19, 2017

Xavier Mille, now 35-years-old, appeared before the Parole Board for an initial hearing on September 19, 2017. He was not represented by counsel. In his opening statement to the Board, Mr. Mille apologized to the Chittaphong family for taking the life of their loved one. He stated that he "caused unquestionable damage" to members of their family and to his own family, as well. He stated that there will never be justification for the taking of an innocent life. He added that he takes full responsibility for knowingly submitting an affidavit (in 2014) in support of a motion for new trial, which contained perjured testimony. A Board Member asked Mr. Mille how he got his two co-defendants to file false affidavits for him. He stated "to tell you the truth, I don't even know." He knew that he was "wrong for even doing that whole thing, but I just asked them." A Board Member asked why he thought there was so much attention given in regards to the false affidavit incident. He responded by saying that "one, I lied," and "two, I just created a big mess, instead of just facing responsibility, and coming in here truthful." When asked if he dropped his appeal due to the fact that he had an upcoming parole hearing, he stated, "Yes."

Mr. Mille described the events surrounding the murder. Mr. Mille stated that he did not know Mr. Chittaphong before the incident, but has since learned about him. Mr. Mille stated that he received a call regarding someone who wanted to purchase drugs; however, he was not able to supply the quantity required. Mr. Mille explained that he began to discuss the idea of robbing the individual who was asking for the narcotics. Mr. Mille stated that the deal was organized, and Mr. Mille met with Mr. Chittaphong. He told the Board that at some point, Mr. Mille chased Mr. Chittaphong down the stairs, shot him and fled the scene. Mr. Mille stated, however, that he didn't intend on shooting him. When a Board Member asked Mr. Mille why he had a gun, Mr. Mille replied that he was "living a reckless lifestyle" and selling drugs.

Since Mr. Mille's incarceration, he completed programs, including Violence Reduction and Restorative Justice. Currently, he is attending Anger Management and Restorative Justice-Repairing Harm, Cognitive Behavior Therapy-Advanced, and General Population Maintenance Program. He stated that he does not have any substance abuse issues, but has attended AA/NA in the past. He also obtained his GED, completed the Barber's Training Course, and is employed in the recreational department. During his incarceration, he accrued eight disciplinary reports. His last disciplinary report, in 2015, was for sending money to another inmate. When a Board Member asked Mr. Mille to describe his parole plan, he stated that he wished to be paroled to his three year sentence. He stated that "after 15 years of incarceration, I believe the opportunities that will be afforded to me regarding programming and resources available through the DOC will

be a great help in my reintegration back into society." He said that he has been married since 2009, and has support from his wife and family.

The Board considered testimony in support of parole from Mr. Mille's mother. Middlesex County Assistant District Attorney Adrienne Lynch spoke in opposition to parole.

III. DECISION

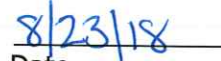
The Board is of the opinion that Mr. Mille has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. It is the opinion of the Board that Mr. Mille lacks candor and fails to take responsibility for his actions. His behavior is indicative of manipulation. Mr. Mille schemed to have his co-defendants submit false affidavits.

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. After applying this standard to the circumstances of Mr. Mille's case, the Board is of the unanimous opinion that Xavier Mille is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Date