



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

PHAIVANH INTHABANE

W66292

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: October 11, 2012
DATE OF DECISION: November 14, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in three years. The decision is unanimous.

I. STATEMENT OF THE CASE

Phaivanh Inthabane was 17 years old and a member of the Laotian Boyz gang when he acted with nine other gang members to beat Josue Molina, age 17, to death on November 20, 1997 on Bridge Street in Lowell. Three of the gang members cooperated with police and were not prosecuted. Two gang members went to trial and were convicted of first-degree murder. Phaivanh Inthabane pleaded guilty to second-degree murder on March 30, 1999. Four gang members pleaded guilty to manslaughter and received state prison sentences. One gang member pleaded guilty to assault and battery with a dangerous weapon and received a suspended sentence.

At about 9:30 p.m. on November 20, 1997, the Laotian Boyz were traveling in two cars looking for rival gang members. Inthabane was driving one of the cars. Josue Molina, Johnny Lozada, and Juan Santana were walking together on the sidewalk. Inthabane did not know the victims but made eye contact with them; gang members in the second car stopped and exchanged words with the victims. The two cars drove away and pulled over in an alleyway. The gang members got out of the cars and, despite the lack of provocation, decided to attack the victims. The victims were not members of a rival gang.

The ten Laotian Boyz hid in the alley and attacked the three unsuspecting victims when they walked by. Johnny Lozada was able to run to safety, but Josue Molina and Juan Santana were beaten viciously by the ten gang members who used a shovel, a claw hammer, a ball peen hammer, an automobile antitheft device, pipes, and boards. Inthabane had the shovel and struck the first blow on Josue Molina. Molina went down after the first blow and Inthabane continued to strike him in the face, head, and body with the shovel. The two gang members convicted of first-degree murder used hammers to beat Josue Molina. Other gang members beat Juan Santana until he was unconscious. The cause of death for Josue Molina was multiple blunt force traumas to the head.

II. PAROLE HEARING ON OCTOBER 11, 2012

Phaivanh Inthabane has served 15 years and appeared for his initial parole hearing. Inthabane candidly described the extraordinarily violent beating that he and his fellow gang members gave to Josue Molina and Juan Santana. He offered that he drove one of the cars, he agreed to attack the victims, he was armed with a shovel which he used to strike the first blow on Josue Molina, Molina went down and Inthabane continued hitting him. He stated that he and the other gang members stopped beating Josue Molina and Juan Santana because two women called at them to stop and said they had called the police. Inthabane clarified that Molina and Santana were not rival gang members; the Laotian Boyz targeted them only because of the exchange of words minutes before the murder.

Inthabane was also forthcoming in recalling the antisocial conduct that preceded the murder. He and his fellow gang members vandalized the homes of two rival gang members. At the second house the Laotian Boyz took some tools from the yard, including the hammers and Inthabane's shovel. They used these tools minutes later when they attacked Josue Molina and Juan Santana. Inthabane also revealed the disturbing conduct after the murder as the Laotian Boyz sat around a Burger King and bragged about the attack.

The inmate has a good institutional record. He has only three disciplinary reports: two incidents in 1999 and one incident in 2002. He formally renounced his affiliation with the Laotian Boyz in 2000. He has been productive throughout his incarceration: he earned a GED in 2000 and began participating in programs in the same year. He has completed the Correctional Recovery Academy, Cognitive Skills, Problem Solving, Alternatives to Violence (four phases), Jericho Circle, 12 Steps AA, and Emotional Awareness. He has computer training and a certificate for advanced welding training.

Inthabane explained that his parents fled from Laos to Thailand where he was born in a refugee camp. A Massachusetts family sponsored his family's move to Norwood shortly after Inthabane's birth. They moved to Lowell when Inthabane was 15. He became friends with members of the Laotian Boyz at age 15 and joined the gang at age 16.

The inmate explained that he "had a blind faith in the gang, but I wasn't raised that way; my parents raised me well." He said "the day I got locked up I decided to be the person my parents would be proud of." He attributed his reformed conduct to that decision. He said that in prison "I stay to myself but I show respect to everyone, I stay away from trouble." He said he "speaks to my parents every day or every other day; they visit every week."

The inmate's brother and a childhood friend spoke in support of parole. Middlesex Assistant District Attorney Tasmin Chowdury spoke in opposition to parole.

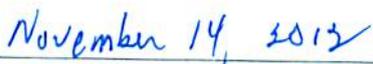
III. DECISION

Phaivanh Inthabane has been a productive inmate with good conduct and active program participation. He did, however, commit a very violent murder against an innocent young man. Inthabane was one of the leaders of a large group of armed gang members who committed a surprise attack on unarmed young men who were minding their own business. That conduct is immoral and reprehensible. The four goals of sentencing – punishment, deterrence, rehabilitation, and public protection – are not yet accomplished. Parole, therefore, is denied as it is not compatible with the welfare of society. The review will be in three years. That shortened period of review takes into account Inthabane's good prison record, his thoughtful presentation at his parole hearing, and recognizes the possibility that he could demonstrate rehabilitation sufficient to achieve parole in that time period.

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



Josh Wall, Chairman



Date