



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

SOUVANNA PHACHANSIRI

W50488

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 8, 2011

DATE OF DECISION: July 31, 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: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. PRIOR PAROLE HISTORY

Mr. Phachansiri was previously before the Board on March 14, 2006. The Board denied Mr. Phachansiri's parole with a review in five years. The Board stated in the decision that "Mr. Phachansiri and his co-defendant, brother Souvanheuung, are in complete denial regarding the circumstances of the murder of Daravanh Phachansiri. The Parole Board believes that before rehabilitation can take place, subject must come to terms with the fact that he was involved in a murder."

II. STATEMENT OF THE CASE

On May 6, 1991, Souvanna Phachansiri was found guilty of murder in the second degree of Ms. Daravanh Phachansiri, age 26, and was sentenced to life in prison. He was also convicted of assault and battery with a dangerous weapon and received a concurrent sentence of 8 to 10 years. Mr. Phachansiri has an ICE (Immigration Customs Enforcement) warrant

lodged for deportation to his native country of Cambodia. Cambodia, however, does not typically accept deportations.

On February 10, 1990, the victim, Daravanh Phachansiri, (formerly married to Souvanna's brother, Souvaheuang Phachansiri), Daravanh and Souvaheuang's two children, and Daravanh's husband, Suki, were on their way from Plymouth to Salem, Massachusetts following a party. Mr. Phachansiri, his co-defendants, Souaheuang Phachansiri (brother) and Khambor Phouthongseng (cousin), as well as other family members were all present at the party.

During the party the Phachansiri brothers argued with Daravanh and her husband Suki. During the argument, Mr. Phachansiri's brother punched Daravanh in the face and he, Souvanna Phachansiri, threatened Suki with a gun. As a result of this altercation, Suki ran to a nearby gas station and called the police. The attendees of the party dispersed, leaving in two separate vehicles.

During Daravanh Phachansiri, Suki and the children's commute to home, they stopped for gas in Revere. They were traveling in one car while the Phachansiri brothers and several other family members, including their mother and Khambor Phouthongseng, were traveling in a van. They (Souvanna Phachansiri and family) followed the victim's car to the gas station. When they arrived, Mr. Phachansiri's brother punched Suki in the face and they began to fight. Mr. Souvanna Phachansiri joined the fight, again threatened to shoot Suki and stabbed him in the hand with a broken beer bottle. Ms. Phachansiri exited her car apparently to assist her husband. Eye witnesses then observed her being dragged into the van by Mr. Phachansiri, his brother and Mr. Phouthongseng. A short time later a witness driving behind the van stated Ms. Phachansiri was thrown out the sliding door of the moving van onto the street. The occupants of the van fled and were found in Lowell where Mr. Phachansiri and his co-defendants were apprehended.

Ms. Phachansiri's body was described as having blood on her nose and chest. Her clothes were in shambles and her brassiere had been cut off. In addition her pants had been pulled down and there were stab wounds and numerous injuries on her body. The Medical Examiner determined that the cause of death was manual strangulation and blunt force trauma. The autopsy report documents bleeding with a fractured bone in the neck, multiple fractured ribs, internal injuries, and multiple lacerations, abrasions, and stab wounds.

III. INSTITUTIONAL ADJUSTMENT

Mr. Phachansiri has received six disciplinary reports (none since 1998) and two institutional failures during his incarceration. His more serious disciplinary reports include assault on another inmate and possession of a weapon. Mr. Phachansiri has participated in the literacy program (ESL), GED, several rehabilitation programs and numerous job skills training programs. He currently works as a copy clerk and has also received positive work evaluations.

IV. DECISION

Mr. Phachansiri has maintained a version of the murder that is inconsistent with the evidence and with the jury's verdict. Although he stated that he has since come to terms with his role, taking responsibility for the death of Ms. Phachansiri, he continues to deny that he murdered the victim and claims that she "jumped out of the van." Among his many implausible statements, Mr. Phachansiri claims that he and his co-defendants had no intention of hurting anyone when they followed the van to the gas station. He denies any knowledge of how Ms. Phachansiri got into the van, and he reports that the death of Daravanh Phachansiri was an

unfortunate accident that did not involve force or assault. Mr. Phachansiri stated that he takes responsibility for "instigating" Ms. Phachansiri to jump out of the van but denies that she was pushed out of the van. Mr. Phachansiri also maintains that he did not inflict any of the injuries found on Ms. Phachansiri's body and that he saw no one in the van harm or strike the victim.

Given Mr. Phachansiri's continued distorted portrayal of the facts related to this case, he does not appear to have benefited from the rehabilitative programming provided. It is the unanimous decision of the Board that Souvanna Phachansiri would be likely to re-offend if released and release is not compatible with the welfare of society at this time. The review will be in five years.

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



Josh Wall, Chairman



Date