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Providing Training to Professionals and the Community on Gang Issues

Fate of teen killer moves closer to jury Defense trying to spare gang member from death penalty Newspaper contempt claim is rejected

by Jill Noelle Cecil.
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A teenager who pled guilty to killing a Bowling Green couple is a "full blown wannabe" gang member, a defense witness said Tuesday.

Warren County Commonwealth's Attorney Steve Wilson cross-examined the defense's gang expert Lisa Taylor-Austin, Tuesday by asking, "How many people do you have to kill to be a gang member?"

Sophal "Saggy" Phon, now 19, plead guilty to shooting and killing Kham Phoa Phomratsamy and Manyvanh Boonprasert in their Gardenside Way home on August 17, 1996. The couple's 12 year old daughter, Judy Phomratsamy, was shot but survived.

In the ongoing sentencing phase in Warren County Court, jurors will decide if Phon will get the death penalty or be sent to prison. The defense is expected to finish calling witnesses today.

Austin, who has counseled more than 300 young gang members in several states during the past ten years, said Phon falls in the middle level of the five levels of gang involvement. She defines him as a "wannabe" instead of a "gang member" or "hard core gang member" because he claims he was only following orders of older Asian Boyz gang members when he shot the couple and their daughter.

"To put it simply, the structure of a gang is similar to the structure of the U.S. military," she said.

Austin said a command "trickles its way down the ranks," and she described Outh "Rambo" Sananikone, 26, as the "OG - Original Gangster or top commander."

Phon's attorney's claim Sananikone planned the crime against the family to get even with Boonprasert, who he worked with at Woodwork of Mid-America until he was fired after allegedly harassing Boonprasert. Sananikone and three other people are charged in the slayings and will face trial later.

"If 'Saggy' wanted to be a gang member and he was given an order to do something, he didn't have a choice," Austin said.

Phon could not have been a gang member because he had tattoos from three different gangs on his body, Austin said. That kind of display would be cause for punishment from gang members who are more entrenched.

"For gang members, that's completely unheard of," she said of Phon's different tattoos. "When you're a member, you're a member for life."

Austin also said Phon could not have been in a gang because Phon had not committed any other crimes to satisfy the gang. He had not been "jumped in" - or ceremoniously beaten by fellow Asian Boyz for membership.

The defense called Nancy Moore, a guidance counselor from Bowling Green High School to testify to the lack of parental involvement.

She said Phon had no disciplinary problems other than skipping school. He eventually was suspended for truancy, and neither the attendance clerk nor Moore could contact his parents to notify them.

In a related matter, Warren Circuit Judge John D. Minton ruled that the Daily News had satisfied a subpoena served by defense attorney Vincent Yustas and would not be held in contempt of court.

The subpoena called for managing editor David C.L. Bauer to provide information the newspaper gathered on a story about gangs during the course of the slaying investigation.

Bauer appeared in court Tuesday for a contempt of court hearing requested by Yustas. Yustas initially made the request Monday after he discovered the information was admitted to the court instead of directly to him as requested.

Minton told Yustas that he could not use the subpoena for that purpose.



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