He grew up in California. Now, he's forced to live in his birth country — a place he's never known

Gov. Newsom declined to stop the deportation of a man who spent 26 years atoning for a violent crime. Will Phoeun You ever get a second chance?

Cindy Liu/Special to The Chronicle

Banished

Aug. 18, 2022 — Phnom Penh, Cambodia

He was bleary-eyed and brokenhearted when he climbed into a government agent's car outside Phnom Penh International Airport. As they rolled through the ancient, buzzing city, Phoeun You, 46, saw Cambodian ground for the first time since he was a toddler with his family fleeing genocide. Now it was supposed to be his home.

They stopped at an office, where agents fingerprinted You and offered words of welcome. "Hey," one officer said, "you have nothing to worry about."

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You, who had grown up in Long Beach, was desperately worried. He knew no one in Cambodia. He didn't know where he would live. He didn't speak Khmer, the national language. He technically wasn't even a citizen of Cambodia.

At age 19, in 1995, You shot and killed a 17-year-old boy. He came to deeply regret the murder while, by all accounts, he undertook a remarkable rehabilitation, becoming a counselor for men in San Quentin State Prison who also struggled with childhood trauma. After serving 26 years of a 35-to-life sentence, You was granted parole and planned to start over in Oakland.

Then state prison officials turned him over to immigration agents.

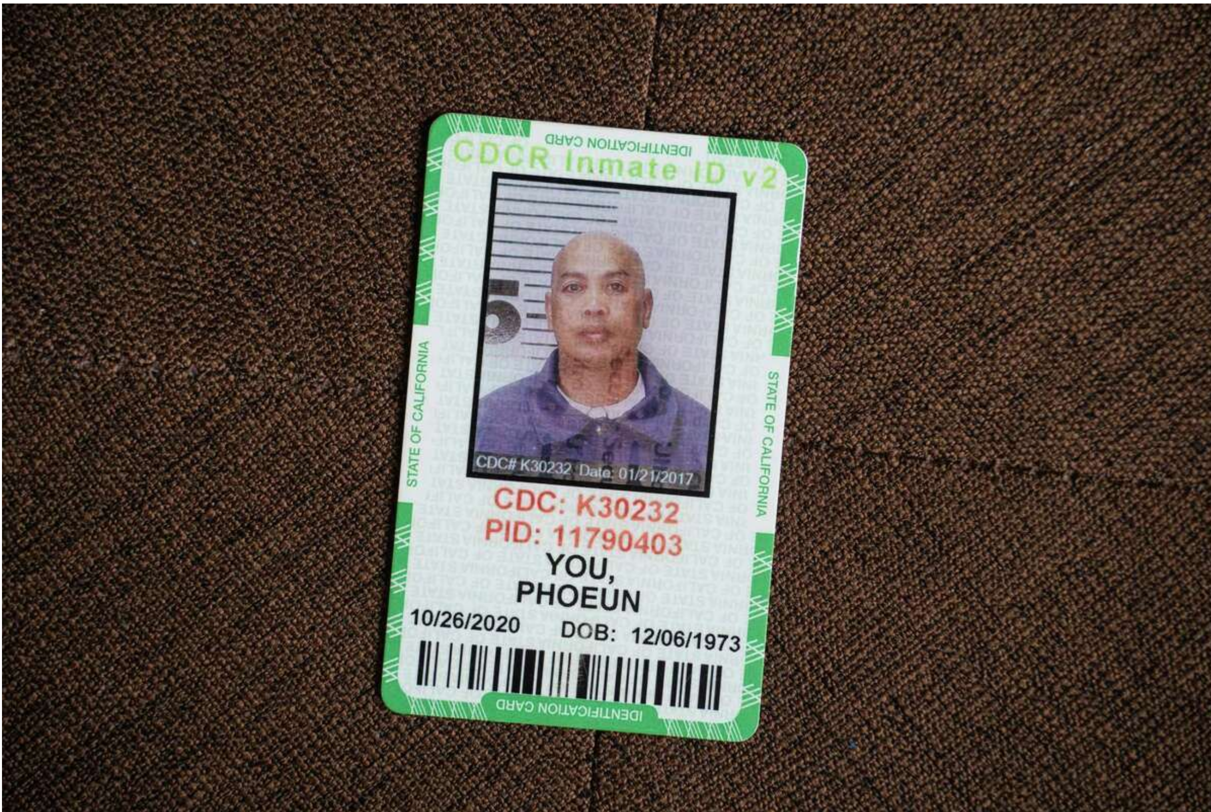
When the opportunity came to prevent You's deportation through a pardon, Gov. Gavin Newsom silently declined, brushing off calls to do so from hundreds of clergy, state legislators, the Oakland City Council and supporters who called the deportation a cruel exile that amounted to "double punishment" for his crime.

Newsom, a former San Francisco mayor who is seen as a possible future Democratic presidential candidate, has issued dozens of pardons to halt deportations. He has done it in other murder and manslaughter cases, citing the person's rehabilitation and the consequences of deportation on their family and community.

Why did You end up alone in Cambodia while his family ached 8,000 miles away? Newsom's office won't say, citing a policy against discussing applications. Newsom still could pardon You at any time, allowing him to come back.

You's deportation was made more likely because, unlike other state and local law enforcement, California prison officials continue to transfer former prisoners — nearly 8,000 from 2018 through 2022 — to immigration authorities. Legislation to bar such transfers narrowly failed in the state Legislature last year. A new version, the HOME Act, passed its first two committee votes in April.

You's deportation places him among more than 800 Cambodian Americans who've been sent back, often after criminal convictions, since the U.S. and Cambodia signed a repatriation agreement in 2002, according to San Francisco-based Advancing Justice – Asian Law Caucus.



Top: While fighting for a pardon that would allow him to return to California, Phoeun You rents an apartment in Phnom Penh. Above left: You served 26 years in California prisons before being paroled. Above right: In his first year in prison, You had "The Killing Fields" tattooed on his neck, referring to the site of the Khmer Rouge's atrocities in Phnom Penh and to the 1984 film from which You first learned about them. Photos by Cindy Liu/Special to The Chronicle

The Trump administration ramped up deportations in 2017 by imposing sanctions against Cambodian officials, saying the nation was hindering the U.S. from its work to “remove dangerous criminals.” Deportations continue under President Biden. In November, Cambodian Prime Minister Hun Sen urged Biden to reconsider the “humanitarian” issue of exiling people to a country they hardly know while separating them from families in the U.S.

You’s oldest brother, James You, called the deportation un-American. “We care about family” in America, he said. “We don’t separate our family.”

Deportations often elicit backlash in the cases of people like You who came to the country as children. But cases like his are nonstarters for those who argue people who’ve been convicted of serious crimes should be deported, a baseline to which even Democratic presidents like Barack Obama and Biden have hewed.

Caught in the gap between America’s ideals and the limits of its compassion is You, who found himself saying goodbye to the Cambodian agents at a boarding house for newly arrived deportees.

Looking around his bare room, with bars on the windows, You realized he was free for the first time since 1995. He sat down on the edge of a metal bunk. He began to cry as mosquitoes pricked his skin.

Phoeun You visits a night market in Phnom Penh. After serving 26 years for murder in California prisons, he was granted parole, then was deported to Cambodia.

Cindy Liu/Special to The Chronicle

Escape
Late 1970s — Northwestern Cambodia

Many years before he raised the shotgun, You recalls being held close to a familiar chest as his family trudged through fields past bodies in the dirt. Young Phoeun thought they were sleeping, but why on the ground?

The Khmer Rouge had taken Phnom Penh in April 1975, forcing residents to leave the city and work rural farms as part of a communist agrarian ideal. Cambodia and its neighbors had been destabilized by the war in Vietnam and by other U.S. intervention, including bombing in Cambodia and the CIA's secret bombing campaigns in Laos.

After Khmer Rouge soldiers made it to the Yous' village in Cambodia's northwest and tried to kidnap teenage James and force him into their army, the family fled on foot to a refugee camp just over the border with Thailand.

In 1980, after several years in the camp, the Yous, like more than 150,000 other Cambodians, were accepted into the U.S. as refugees. By then, the Khmer Rouge had killed 1.7 million Cambodians, or one-fifth of the population. Like other refugees, the Yous would be granted legal permanent resident status in the U.S.

In rural Utah, the family lived, as James put it, with war "in our minds."

Phoeun, age 5 at arrival, had trouble learning English. He was shy and lonely. Things got worse when the Yous moved to Long Beach. In the 1990s, the city struggled against elevated gun violence, frequently driven by feuds between Asian and Latino gangs. Racist taunts followed Phoeun at school, as did beatings. He joined a gang.

Phoeun felt protected and valued. He became more intimidating than his 5-foot-6 frame suggested. No one, he decided, would tread on him without consequence.

In Cambodia, Phoeun You holds an old family photo. You desperately misses his family, especially his parents and siblings in the U.S.

Cindy Liu/Special to The Chronicle

Freedom
Aug. 18, 2022 — Phnom Penh

The Cambodian capital is hot and humid in August, with the lotus flowers in spectacular bloom, like little bursts of pink and purple fireworks lighting up the ponds around ornate Buddhist temples. Tourists and local mourners walk the grounds of the Choeung Ek killing fields where 5,000 human skulls are arranged in a dome — a shrine.

The boarding house was down an alley not far from the city's center.

The first two nights, You curled up on a hard bunk and sobbed. Everything he had eaten had ravaged his stomach. Sweat drenched him. He feared going outside, especially after dark. He worried he could be arrested, or perhaps in a fight, if he stumbled into the wrong place or person and couldn't talk his way out.

"I'm scared, brother," he told James You, who was on the phone in Las Vegas, where he cares for the siblings' elderly parents. "The room is just like I'm back in a cell in the jail again."

"At least you have the freedom," James said.

The older brother was trying to be helpful, but Phoeun You didn't want to hear this. He felt exhausted and betrayed.

"I don't feel freedom," he said.

Phoeun You cleans his apartment in Phnom Penh. The apartment offers You more space compared with his lodgings during more than a quarter century in prison.

Cindy Liu/Special to The Chronicle

Richard
March 23, 1995 — Long Beach

Phoeun You was 19 and just back in California from a grand failure to make his way in Las Vegas, where he'd moved to get away from gangs. He got a job, an apartment and a girlfriend. He then lost all three. The ex-girlfriend, pregnant with his child, had a miscarriage.

He recalls feeling broken down from all of this when he learned that his nephew was having trouble at high school, harassed and beaten up by gang members. The uncle, who'd been drinking every day to dampen his sense of worthlessness, was furious.

He went to pick up his nephew from class after one particularly bad incident. Driving home, they spotted some of the boys responsible in the parking lot of a shopping center and pulled over.

He and his nephew, outnumbered, climbed out to stand up to them.

Instead, the group beat them up.

Humiliated, You chose revenge. He said he felt like less than a person himself, which made it easy to see enemies the same way. He borrowed a shotgun and went with his nephew to look for the same group.

After hours of searching, they found some high schoolers who appeared similar. The nephew drove while You, drunk and livid, scanned the streets.

"Is that them?" he asked his nephew.

The nephew said maybe.

For You, that was enough. He pointed the shotgun out the passenger-side window and pulled the trigger, raining buckshot on the teenagers as his nephew pressed the gas.

Several in the group were hit, including Richard Rodriguez. He was 17 and had nothing to do with the fight You was trying to settle.

Days later, You drove past a car wash in the area of the shooting with a message on its sign: "IN MEMORY OF RICHARD."

That's how You, suddenly overcome by guilt and shame, learned that he'd killed someone.

Phoeun You lives in an older building with space for recreation in a rapidly growing neighborhood of Phnom Penh.

Cindy Liu/Special to The Chronicle

Exile
Early September 2022 — Or Prasat, Cambodia

You's time in the halfway house was up, and he needed somewhere to go. He also needed a relative to sign off on paperwork to gain citizenship to help end his bizarre status as a person without citizenship in any country.

While the rest of the Yous had become U.S. citizens, You never applied before his arrest and lost the chance when he was convicted. By virtue of his birth in the country to Cambodian parents, You should have been a citizen of Cambodia, but after the upheaval of genocide, he had no birth certificate to prove he'd been born there. So he had to go through a painstaking process that requires a person to trace their lineage and be attached to relatives who are citizens. An aunt in the countryside, his mother's sister, was happy to help.

He caught a ride to Or Prasat, a commune in western Cambodia where the aunt, whom he'd never met, lived.

"My mind is scrambling," You said on a video call as the wind whipped through a cracked window.

It was a bumpy seven-hour drive past tumbling, green landscapes and farmland. He wondered if visiting the countryside, not far from where he'd been born, would be transformative.

"Maybe this is full circle," he said.

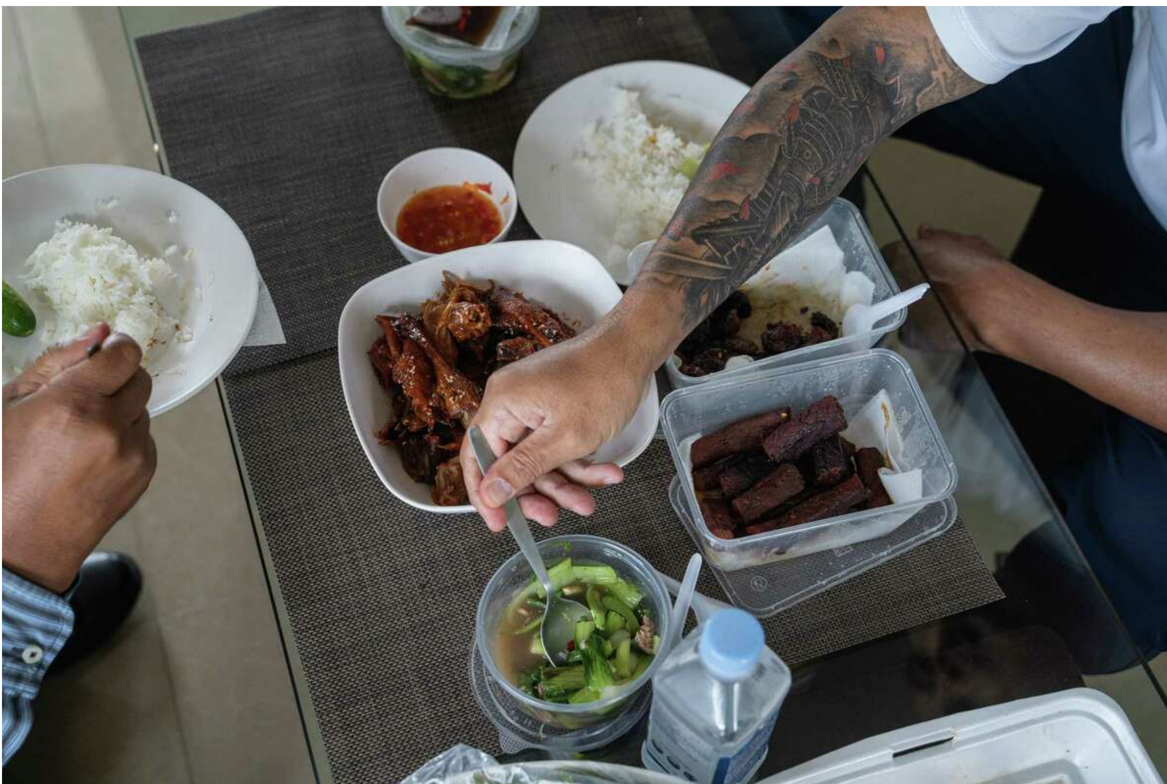
Hours later, his aunt sat him down at her house and told stories of his mother's childhood. They weren't troubled with a language barrier because both speak Thai, a language the You family, which had roots in Thailand, spoke around the house.

He spent a week in Or Prasat with various relatives he'd never met. They went on a long trip to the beach, hiked in the mountains and explored the wild country, which felt surprisingly familiar to You.

Back in Phnom Penh, he seemed buoyed by the connections he'd forged in the country. "It just felt really, really soothing," he said.

With the dwindling fruits of a crowdfunding campaign, You rented an apartment where he could cook and blast Journey's "Don't Stop Believin'," an anthem for his hope, and Garth Brooks' "Friends in Low Places," one of the country songs he fell in love with in prison. The apartment was older but spacious and in a rapidly growing neighborhood. He had a balcony where he could breathe fresh air and look out at the trees.

He had been unable to find work and didn't know how he'd afford to stay. But he was — he was almost reluctant to admit — feeling more at home.



You eats lunch with a friend at his apartment, where he can cook and listen to his favorite music. Photos by Cindy Liu/Special to The Chronicle

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Understanding
Late 2003 — Salinas Valley State Prison, Monterey County, Calif.

He continued gang life in prison. With a sentence of 35-to-life, he assumed he'd die there anyway. Back then, he didn't see lifers go home. With no hope, he saw no reason to change.

Until he received a letter.

It was about his oldest sister, Raynna You, 38, who lived in Las Vegas and sang in Cambodian and Thai music circles at the city's Buddhist temples and lounges. One night in August 2003, she sang at a karaoke lounge. Raynna's ex-boyfriend waited in the parking lot with a gun. He executed her.

In his cell, You, 28, wept.

He wondered about Richard Rodriguez's family. It was one thing to imagine the heartbreak he'd caused them. But to feel that rupture in his own chest? You decided he never wanted to cause such pain again.

Propelled by his grief for Raynna and guilt over Richard, he embarked on a path that would lead him in ensuing years to work through his childhood trauma and become a mentor to other haunted men. After a transfer to San Quentin State Prison, he co-founded a program for others to connect to their heritage in Asia and the Pacific Islands.

In 2016, Chanthon Bun was in San Quentin trying to figure out how to transform himself when he met You, who introduced the fellow Cambodian refugee to various classes and mentored him.

“I was living through a lot of trauma,” said Bun, who’d been sentenced to 49 years for taking part in a robbery at age 19. “And he helped me because he knew the same trauma — we came from the same genocide.”

Bun credits You’s support and guidance with his 2020 release on parole.

One afternoon in August 2021, You sat before a web camera for a hearing with the state parole board. He was eligible for early parole under a law, passed in 2017, recognizing the lack of impulse control in people under the age of 25 due to the brain’s incomplete development.

Board commissioners praised him for what his prison record showed: He hadn’t been written up in 15 years; had a commitment to helping others; and had a clear-eyed view of what led up to his crime and why such a thing wouldn’t happen again.

Commissioner Dianne Dobbs said he had become “a major contributor for good” in prison.

When it came time for You to address the board, he didn’t mention any of that.

He addressed Richard Rodriguez’s family, though they weren’t on the video call. He had long wanted to apologize, but was legally barred from contacting the victim’s relatives. (The Chronicle’s efforts to reach the family were unsuccessful.)

“I’m truly sorry for every tear I have caused you to shed and for all the grief you continue to suffer,” he said, apologizing as well to the other four teens who were injured in the shooting. “If I could, I would carry all the pain and suffering I have caused.”

Phoeun You calls his sister from his apartment in Phnom Penh.

Cindy Liu/Special to The Chronicle

Abroad

Late 2022 — Phnom Penh

The central struggle of You's life had been belonging or, more specifically, his longing to feel like he belongs. In Cambodia, he thought he would at least look like he belonged.

Yet he found people often assumed he was from the West.

One day, he wandered the aisles of a grocery store, evidently looking lost, when an employee greeted him in English.

Out of principle and trying to fit in, You attempted to respond in his rough, though improving, Khmer.

"What about my features, my face," You tried to say, "tells you that I'm from the West?"

The man said he could just look at him. He felt unmasked as he understood: His shaved head, Nike and Golden State Warriors apparel, his tattoos, his brilliant white teeth.

Many people mistook his Western air for wealth and asked for money. He was astonished by the need he saw everywhere, by the people wandering the streets in ragged clothes. But You had nothing to give. The only way he'd found to make money was giving talks on his experience and insights to American colleges and organizations over Zoom.

His family in Or Prasat hadn't asked for money, knowing he'd been in prison. But when his sister visited from Boston, they went back to the country, and the You siblings found themselves surrounded by outstretched hands. It wasn't just one person asking for money or even a handful. The family tree expanded before them.

He felt like a lottery winner, overwhelmed by distant kin. He wished he could help, but it only frustrated him to be asked when he couldn't say yes.

Phoeun You walks in the Royal Palace Park in Phnom Penh, near the palace of Cambodia's figurehead king.

Cindy Liu/Special to The Chronicle

Movement
Aug. 16, 2022 — Mesa Verde ICE Processing Center, Bakersfield, Calif.

You's deportation came, as so many, by surprise and in secrecy. He'd been in a Central Valley Immigration and Customs Enforcement detention center for nearly a year after prison officials turned the new parolee over. He'd prayed ever since for a pardon that wouldn't come. One day, while talking on the phone, he felt someone tap him on the shoulder.

"Pack up your belongings," the agent said.

He hurried to gather his things, hoping to call his family and attorney to let them know he was going somewhere — though no one would say where. Agents wouldn't let him call anyone but his attorney, he said. An ICE spokesperson declined to answer questions about You's deportation, but said the agency keeps such movements confidential for security.

In Las Vegas, James You and his parents agonized as they were left to wonder where Phoeun You was for the next 30 hours.

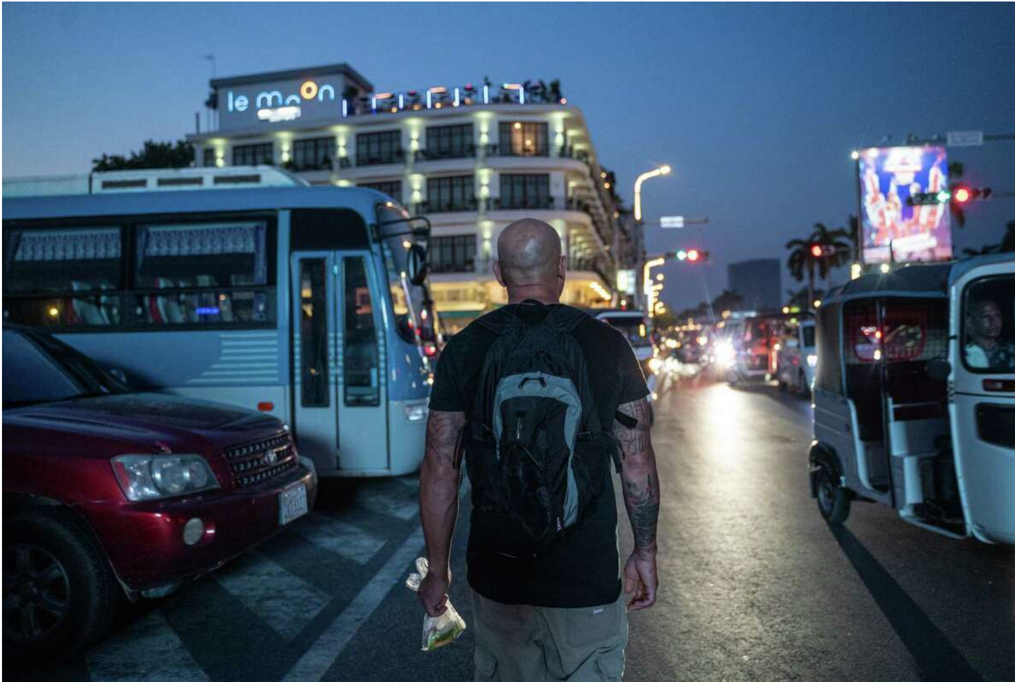
He was in a van, shackled and headed for Los Angeles International Airport. He was in the terminal, escorted past curious travelers. He was in Singapore on a layover, wondering why the agents still wouldn't let him call his family.

The three agents hardly spoke to You, he said, though they spoke among themselves. He said he overheard that one of the agents had a death, or someone dying, in the family. The deportee heard the agent debating whether he could leave the trip to go home, before concluding that he couldn't because he had to get You to Cambodia.

In Phnom Penh, You was handed over to Cambodian authorities near the airport exit. As the U.S. agents lingered a moment to see him off, You turned to the agent who'd received bad news about a relative.

For the whole trip, You had agonized about the prospect he would never see his parents again. His father was 92, his mother 81, and both were too frail to travel 8,000 miles to visit him.

You looked at the grieving agent and said — and meant — this anyway: "Hey, man, I'm sorry to hear what happened. I'm sending you my condolences."



Phoeun You takes an evening stroll along the riverfront in Phnom Penh, where You feels more connected to his history, but wants nothing more than to return to California to reunite with his family and start over in the country he knows as home.

Cindy Liu/Special to The Chronicle

Longing
March 21, 2023 — Phnom Penh

On a bright Tuesday morning, You rose from bed before 8 a.m. and cranked up his music. He slipped on a T-shirt featuring a Sriracha hot sauce bottle whose label had been replaced with “Abolish ICE.”

He prepared to speak over Zoom with students studying meditation therapy at Pitzer College near Los Angeles, explaining his experience and the coping mechanisms he’d honed. In Cambodia, You had been speaking at public events and attending fundraisers.

He kept a list of all the work he’d been doing for an update to his pardon application, which his attorney would soon send to Newsom’s office. The governor’s record on the issue seemed to offer hope: Newsom has pardoned 40 people to halt their deportations, including in five homicide cases. A spokesperson didn’t respond to an email asking how many deportations Newsom has declined to stop through requested pardons. Newsom still hadn’t issued a decision on You’s application, filed more than a year ago.

So Young Lee, You’s attorney with Advancing Justice – Asian Law Caucus, said her client deserves to return, and not only as an act of mercy. While You can’t change his past, the attorney said, he can change other people’s futures through his skills as a counselor and mentor.

In Berkeley, You has a job waiting at Stronghold, a racial and restorative-justice organization.

“I think those skills would be utilized really well in the community that he calls home,” Lee said.

After seven months in Cambodia, You felt more connected to his history. He was a citizen finally. He made a friend, another man who was deported from California due to a criminal conviction; they rode motorcycles in the countryside and felt flashes of something almost like freedom. He thought sometimes of Somdeng "Danny" Thongsy, whom Newsom pardoned to save from deportation to Laos in 2020. Thongsy had been convicted of murder, like You. The men became friends in San Quentin, where You helped Thongsy process his trauma and his crime. He was tremendously happy for Thongsy, but You did wonder: "Why not me?"

He had been accepted into the U.S. as a refugee because of genocide in Cambodia, a genocide made easier for the Khmer Rouge by U.S. intervention in the region. He then committed a terrible crime. He did what American standards told him to do: He went to prison for a very long time, expressed remorse and reformed himself — at great expense to the state of California. California then let the U.S. toss his life into the wind.

He loved America still, but wondered if politics were at play in Newsom's decision to allow his parole while resisting a pardon. He said he'd heard that Newsom was moderating his stances as he weighed a presidential run.

"At the same time," You said, interrupting his train of thought, "I also have to drop in and really, really pull back and understand: Hey, I also committed the ultimate crime. I took a life."

Richard Rodriguez won't come back. Why should You?

Sitting in his apartment, speaking by video call, You sighed.

"*Man*," he said, "if I could just heal one or two lives, hopefully those two lives will heal other lives. And little by little … that's my contribution."

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Written By
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Reach Joshua on

Joshua Sharpe joined The San Francisco Chronicle in February 2022. He covers criminal justice issues, often with a focus on injustice, on the Race and Equity team. Before moving across the country from his native Georgia, he spent five and a half years at The Atlanta Journal-Constitution. There, his reporting helped free two innocent people from incarceration, including one man who was 20 years into a life sentence and one facing life. In 2021, Sharpe won a Livingston Award and a National Murrow Award. He enjoys hiking, playing pedal steel guitar and gardening. He is a native of South Georgia, in the Okefenokee Swamp.