

Faces behind the Figures

Are we safer because they're behind bars?



Ross Hayes (right) with his friend, Dale Daverman, great-nephew of the victim.

Ross S. Hayes, No. 140420
Crime: Second-degree murder
Sentence: Parolable Life
Parole eligible since 1984

Age 16 at the time he killed an elderly woman during a burglary, Hayes now counts the victim's nephew among his strongest supporters.

In 1974, Ross Hayes was an upcoming basketball star and a marginal ninth grade student at Ottawa Hills High School. While under the influence of LSD, marijuana, and alcohol, Hayes, age 16, and his 14-year-old cousin entered the Grand Rapids home of 89-year-old Katherine Thomas, looking for cash. When Thomas surprised them by returning home during the burglary, Hayes stabbed her once in the chest with a kitchen knife, killing her. He was arrested the next day.

Although Hayes had twice been referred to the juvenile court for breaking and entering, neither incident had resulted in a formal finding of guilt. As a result, he had never participated in any programs in the juvenile system – then one of the considerations for a juvenile waiver. The examining psychologist stated:

He has the mentality of an adolescent and he has the emotional disturbance of an adolescent. This young man is in need of a psychological treatment program and my recommendation would be that he receive treatment in the Pine Rest Adolescent Unit.

Nevertheless, the probate judge waived Hayes to adult court partly because “the time [needed for] treatment may well exceed the relatively short period remaining for juvenile jurisdiction.” He called his decision to have Hayes stand trial as an adult “the most difficult one in some seven years on the bench,” but said he was confident that the circuit judge would handle the case “with fairness, equity, mercy and justice.” On the advice of his attorney, Hayes pled guilty to second degree murder, believing that with a parolable life sentence he could be released after 10 years.

In prison, Hayes earned his GED and two associates degrees. He completed group therapy and substance abuse treatment. His work and living unit reports are excellent. In 1988, Hayes and another prisoner, Delmar Quezada, made a videotape in which they talk directly to young people about the consequences of criminal behavior. The video has been used in schools and juvenile facilities in several states. Hayes became a committed Christian in 1989. In 1998 he married Shirley Wright.



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Since 1981, parole board members who interviewed Hayes have noted his positive attitude, his many accomplishments, and the support he has from staff, volunteers and the community. In a 1987 report to the board, his treatment team supervisor wrote:

[I am] very favorably impressed with the degree of [Hayes'] personal growth...and it would seem that now is the optimum time to release.

However, the interviewing board member said: “no interest now, but maybe next time.” Positive recommendations from interviews in subsequent years and numerous letters of support still resulted in routine “no interest” notices.

Meanwhile, Dale Daverman, Katherine Thomas’ great-nephew, was surprised to learn through a family friend that Hayes was still in prison and began corresponding with him. Following a three-hour visit with Hayes in the spring of 2001, he wrote to the parole board chair:

I am absolutely convinced that Ross Hayes is sincere and has remorse for what he did . . . my father, brother and I feel Ross has paid his debt to society.

Daverman envisions a partnership in ministry with Hayes and has advocated strongly for his release.

In 2001, after meeting with Daverman, Kent County Prosecutor William Forsyth wrote to parole board chair Stephen Marschke:

During my 27 years as a prosecutor, I have never [before] been asked to help facilitate the release of a convicted murderer by the family of the victim.

Forsyth expressed surprise that the board had not taken interest in a potential release and urged the board to interview Hayes before his routinely-scheduled interview in 2004. Marschke replied that nothing in Hayes' file or the prosecutor's letter persuaded him to accelerate the review.

On July 8, 2004, parole board member Margie McNutt interviewed Hayes at length. Dale Daverman traveled from his home in Gallup, New Mexico to be there. Nonetheless, Hayes, who has now served 32 years, did not obtain the majority board vote needed to proceed to public hearing. After a 5-5 decision, he was notified that he will be reconsidered in 2009. Hayes was again considered in 2008 as a requirement of a lawsuit.

Daverman attended Hayes’ parole interview in 2008, as well, and was bitterly disappointed. Daverman reports that the interviewing board member was interested only in discussing the facts of the crime, repeatedly asking Hayes “what he was thinking” when he stabbed Ms. Thomas. When Hayes attributed his behavior to his age and drug use, the board member was clearly dissatisfied. Showing no interest in Hayes’ accomplishments during more than three decades in prison, he cut Hayes off repeatedly. The interviewer made no response when Daverman noted that with a wife, home, job offers and Daverman’s own support, Hayes had excellent prospects for success on parole. Daverman is frustrated by an interview he felt was “unprofessional” and a review process he believes is “unfair.”

In August 2008, the board denied parole again. The reason given was:

P shows no insight whatsoever into the anger and violence he carried at the time of his crime.



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