

Gerald Lee Hessell, 150163
Parole eligible since 1986
Resentenced & Discharged Nov. 2,
2007

Pressured at age 19 by the biological father he had just met, Hessell assisted in crimes for which he has now served far longer than the judge or victim intended.

Gerald Hessell remembers his childhood as "a ball of confusion." The man his mother married when she was a teenager was involved in drugs and alcohol. He was the only father Hessell knew. When Hessell was 13,

this man was institutionalized. His mother obtained a divorce and remarried someone barely older than Hessell himself. Hessell



Hessell with his mother and grandmother

dropped out of school at 15. By the age of 18, he was out of work, married and on welfare. His only criminal conviction, however, was for breaking into an abandoned gas station, for which he received two years probation.

It was then that Hessell met Arthur Burgess, his biological father. Burgess, who drove a Cadillac and carried a pocketful of cash, made a strong impression on Hessell. Burgess had served 13 years for murder and was awaiting trial for three more murders of which he was later convicted.

About four months after they met, Burgess told Hessell that Robert Johnson, a marijuana dealer

they both knew, was a police informant who might implicate Burgess in the pending murder charges and that "we have to get rid of him." Hessell resisted getting involved, but ultimately gave in to pressure from Burgess, "partly out of some crazed desire to be accepted, but moreso out of fear."

In early April 1976, Hessell, Burgess and Scott Croyden drove to Johnson's apartment, intending to kill him, but no one was home. A week later they went there again, on the pretense of buying drugs. They lured Johnson into a car where Hessell and Croyden robbed him of marijuana and money. Burgess then ordered Hessell to drive away.

When Johnson tried to jump out of the car, Burgess stabbed him twice. Johnson fell out, got up and ran, but Burgess pursued him, shot him several times, and left him for dead. Johnson survived the attack. Burgess then said someone had to go back and kill Johnson's girlfriend, Theresa Martell, because she was a potential witness. There are conflicting accounts as to whether Burgess or Croyden actually killed Martell, but no one says it was Hessell.

Croyden testified against his co-defendants and was sentenced to 8–15 years for armed robbery; he was released in 1985. Burgess was convicted of first-degree murder and is serving life without parole.

Hessell pled guilty to armed robbery and assault with intent to murder; he pled no contest to second-degree murder. Hessell's attorney bargained for three concurrent life sentences, telling Hessell that, with a good prison record, he could be released in 12 years. In negotiating the plea, the prosecutor and judge consulted Robert Johnson. They advised Johnson that, with three concurrent life sentences, Hessell would likely serve no more than 15 years. The judge explained that the plea was proposed because Hessell was a young man with the potential for rehabilitation. Johnson agreed that 10-15 years was sufficient punishment since Hessell was not the aggressor in

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the attack on him and he believed Hessell acted out of fear of Burgess.

In prison, Hessell participated in three years of group and six months of individual therapy. Since the early 1980s, staff reports painted a portrait of an insecure young man who grew into an insightful, self-confident adult. One corrections officer observed in 1982:

Over the last 3½ years, he has matured immensely. Mr. Hessell's accomplishments should merit some type of sentence leniency.

Years later, another officer said:

Hessell is quiet, intelligent, thoughtful and outstanding in his interactions with staff and other prisoners . . . I cannot see how continuing his incarceration would benefit him or anyone else.

Psychologists concur. A group therapy termination report from 1989 says:

Hessell has the ability to lead a constructive and law-abiding existence upon release.

In 1991, a therapist concluded:

Hessell has obtained the maximum benefit from incarceration.

Hessell earned an associate's degree and is certified as a dental lab technician, a master gardener, an addiction counselor and a legal assistant. He has received only seven misconducts. He has maintained close ties with family, friends and clergy. Notably, Robert Johnson has offered to appear with Hessell at his next parole interview.

After Hessell's hearing in 1987, shortly after becoming eligible for release, board chair William Hudson wrote:

He continues to do an excellent job. The board has no interest at this time. Guideline score is 14. Not a bad number.

Since then, however, the board has shown no interest. In 2003, it continued Hessell's incarceration until 2008, without even seeing him. He will then be 51 years old and will have served 32 years.

Hessell was resentenced on appeal and discharged from his sentence in November 2007.