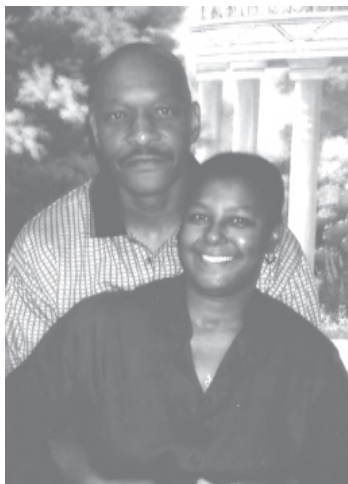


*James Robert Percy, 146212  
Parole eligible since 1986  
Paroled Dec. 4, 2007*

*Percy has served 28 years for robbery while armed with a hand in his pocket, an offense that might bring 7 years today.*

There is no question that James Percy has not made life easy for himself, either as a young man or during his 28 years in prison. However, despite his conviction for robbery and a boatload of misconduct citations, Percy has never actually caused anyone serious physical harm.

Percy, now 53 years old, had a number of juvenile court contacts as a teenager. He was placed on probation twice in 1969, once for breaking and entering a business and once for assaulting a teacher. He dropped out of school in the 10th grade. In 1970, Percy was convicted of uttering and publishing and placed on probation.



*Robert Percy and wife*

In his early 20s, Percy settled down and fathered two sons. In 1975, he had worked for Chrysler Corp. for more than two years and, for a while, had worked a second job as well. He was saving to buy a house for his family, but he was also helping to support another woman he was involved with, Judith Claxton. Looking for an easy way to get more money, Percy entered a theater in Detroit with his hand in his pocket, claiming to have a gun. He

obtained \$76 from the cashier and left. He was convicted of assault with intent to commit unarmed robbery and, on March 1, 1976, was placed on five years' probation.

Three weeks spent in jail for that case cost Percy his job. Just nine days after being sentenced to probation he committed virtually the same offense again. This time he walked into a bookstore with his hand in his pocket, claimed to have a gun and obtained \$62. Under current sentencing guidelines Percy's minimum sentence would be between 6¾ and 11¼ years.

When he sentenced Percy to life, Judge John P. O'Brien stressed the fact that Percy had just received a break from another judge. It is clear, however, from his handling of a different case, nine years later, that Judge O'Brien did not believe Percy would actually spend much more than a decade in prison. In 1985, Judge O'Brien sentenced 17-year-old Kenneth White to life for second-degree murder plus two years for felony firearm. Judge O'Brien later signed an affidavit stating that he had intended White to serve a total of no more than 15 years

Percy did not adjust well to prison. He says that, among other things, he was reacting to marital problems and the inability to see his sons, the fact that his mother was dying of cancer, and his bitterness at seeing other people who were convicted of murder serve shorter sentences than his.

By the time he was first interviewed by the parole board in June 1983, he had received misconduct citations on 26 occasions. While many of these were disobeying an order or being out of place, several were for assaultive behavior. None involved actual injury to anyone. The interviewing board member noted the misconducts but also observed that Percy's grid score suggested he should serve eight years. She commented: "maybe 10 yr case."

*No Way Out: Michigan's parole board redefines the meaning of "life"*

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The same board member interviewed Percy again in 1985 and was willing to start the public hearing process, but other members disagreed. Percy continued to receive misconducts, primarily for insolence, and in 1991, the board again had no interest.

Since then, Percy's institutional conduct has changed markedly. He has received only six misconduct citations in the last 10 years. He has been housed at Level II since 1996 and gets good block reports. He has completed his GED, several vocational skills courses and group counseling. He has no substance abuse history. His sons each have four-year-olds of their own; he and Judith Claxton are now married.

Nonetheless, after interviewing Percy in 1996, the board had no interest in proceeding. In 2001 it did not even bother to see him face-to-face. It simply reviewed his file, notified him that it had "no interest," and scheduled the next review for August 2006. At that point, Percy will be 56 years old and will have served over 30 years for taking \$62 by pretending he had a gun.

Percy was paroled on Dec. 4, 2007.