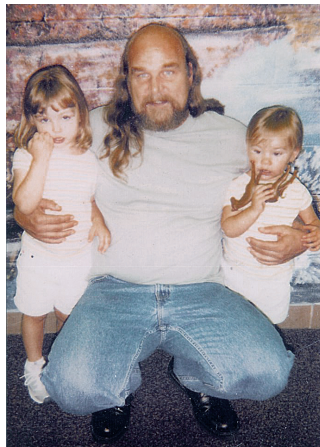


Robert Weisenauer, 157085
Parole eligible since 1989

Despite every possible positive indicator, the support of his sentencing judge and interest from the old parole board, the new board has continued Weisenauer until 2013 for an offense that would not bring a life sentence today.

Robert Weisenauer's father died when he was seven. Weisenauer began drinking and taking barbiturates at the age of 12 and went on to develop a serious substance abuse history. He quit school after the ninth grade, spent some time in a juvenile detention facility for truancy and running away, and left home for good at 16. Nonetheless, his only adult criminal convictions were for malicious destruction of property and disorderly conduct — both misdemeanors.



Robert Weisenauer and granddaughters

On December 4, 1977, when Weisenauer was 24, he was at a motorcycle gang clubhouse in Flint where more than 100 people were engaged in loud partying. In the early morning hours, a 24-year-old woman was abducted from her car and brought to the clubhouse. The victim was turned over to a man named Cal who took her to a bedroom and forced her into sexual activities with nine or ten men over a six-hour period. The presentence report says: "After her initial contact with Cal, she was directed to perform fellatio on a male that she believes was . . . Robert Weisenauer."

Weisenauer insisted that he spent that night being sick from two days of hard drinking and had no involvement with the victim. He thought she might have confused him with another club member who strongly resembled him. However, a jury convicted Weisenauer and four co-defendants based on the victim's identification. Cal, the ringleader, was never caught.

Before sentencing Weisenauer to life in prison, Judge Earl Borradaile stated that, given the chance, he would impose on the main perpetrator a sentence "much more severe than what I'm handing out today to these five." In a letter written to Weisenauer in November 2000, Judge Borradaile said:

It seems quite clear that I did say that I was giving you a life term but that unlike first degree murder, it would probably not last too many years.

Weisenauer has used his time in prison effectively. He obtained his GED, then trained as a welder. He received excellent work reports on every job he held. For the last several years he has been a volunteer mentor to young prisoners sentenced under the Holmes Youthful Trainee Act. He has received only three misconducts and has numerous letters in his file indicating that he gets along well with both prisoners and staff. Memos from several officers written in 1988 characterize him as honest, even-tempered and helpful to others.

Weisenauer spent more than six years attending AA and more than two in group psychotherapy. In 1982, psychologist Larry Thornton stated:

In all the time that he participated in group, I never saw him act out what I would consider inappropriate behavior under stressful situations. I personally have a strong admiration for the way this resident was able to demonstrate a strong, friendly manner in a situation which is demeaning at times.

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

Although Weisenauer did not become eligible for parole until 1989, his grid score suggested that he should serve only eight years. The parole board member who interviewed him in 1984 noted: "He presents quite positively." After his 1989 interview, a majority of the board voted to proceed to public hearing. Reports were prepared, but processing was never completed.

In 1992, psychologist Richard Carrill evaluated Weisenauer at the parole board's request. Mr. Carrill concluded:

Mr. Weisenauer's prognosis is very good at this time. He should be able to be a productive citizen if given the chance to go back to society.

In 1993, after the new board took over, Weisenauer was again considered in executive session. The vote was 7-3 against proceeding.

Weisenauer wrote to the board. Despite his actual record and the court's actual intent, he received the following response:

When the Parole Board reviews a life sentence, a number of factors are taken into consideration. They include the nature and circumstances of the offense, any prior criminal history, the prisoner's risk factors for future assaultive behavior and property crimes, and the prisoner's institutional adjustment and program involvement over the years. The fact that the court could have imposed a sentence short of life imprisonment is also a factor. Before the Board could agree to proceed toward a public hearing, there must be a compelling argument to present to the court and to the public that the life sentence should not be carried out.

In 1998, the board interviewed Weisenauer again and again had "no interest."

On February 4, 2003, Judge Borradaile wrote to the parole board chairman:

When I sentenced Mr. Weisenauer, it was my belief that review would be had in ten years and if Mr. Weisenauer showed much progress, he would likely get parole . . . While I realize that the Parole Board is greatly concerned about release of sex offenders, I believe that his activity in straightening himself out shows he would not pose a great danger . . . I would hope that you would let him personally appear before the Parole Board and that your board would lean toward leniency in considering parole.

Nonetheless, that year the board only reviewed Weisenauer's file and notified him that it had no interest in his case.

Five years later, the board merely reviewed Weisenauer's file again. And again, it had no interest in pursuing parole. He will be considered next in 2013. By that time, Weisenauer will not have been seen in person by any board member for 15 years. Under current sentencing guidelines his minimum sentence would be between 9 and 15 years. A co-defendant who was also serving life was paroled in September 2007.

After 34 years, Weisenauer is the only one of the five co-defendants left in prison. The only apparent reason is his refusal to admit guilt.