

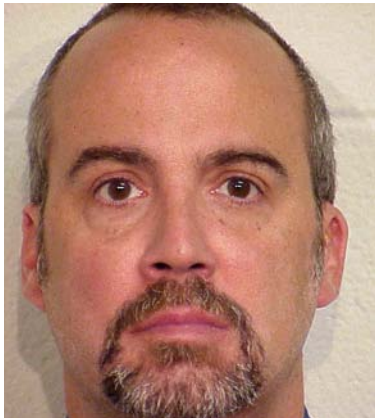
Faces behind the Figures

Are we safer because they're behind bars?



CITIZENS ALLIANCE ON PRISONS & PUBLIC SPENDING

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Richard T. Fuller, 604055

Crime: Failure to stop at the scene of an accident resulting in serious impairment or death

Sentence: 1y, 11m - 5 yrs

Earliest Parole Date: April 30, 2008

Paroled: Jan. 7, 2010

After Richard T. Fuller had completed his minimum sentence for failing to stop at the scene of an accident in which a person was killed, the parole board denied release based on its own determination of facts not supported by police and other reports.

In the early morning of Nov. 26, 2005, Richard T. Fuller was driving home from a party in Livingston County during a snow storm. Earlier in the evening he had consumed several beers and a vodka and tonic.

After he turned his eyes away from the road for a moment to adjust the radio, Fuller felt and heard a thump outside the car. The road was snow covered and police later determined that Fuller was probably driving about 27 miles per hour in a 55-mile-an-hour speed zone when he hit pedestrian Dale R. Tucker. He stopped to see what he had hit and saw a man, dressed all in black, lying beside the ditch on the edge of the road. Instead of calling police and staying at the scene, Fuller fled in panic. Some days later, after police got a tip, he was questioned and finally admitted to hitting a man.

Tucker, police determined, had been walking on the road heading with the flow of traffic before he was hit. He was dressed in a black hooded jacket, black jeans and white tennis shoes. Police reported he had been drinking at a bar and decided to walk home after he got into an argument. Friends said he was drunk

Fuller, 46, had had an OUIL conviction in 1996 but no other arrests. A resident of Brighton who had been working steadily since 1978, he was a high school graduate who owned his own home.

He was charged with failure to stop at the scene of an accident resulting in serious impairment or death and pled nolo contendere. The court imposed a minimum sentence of one year and 11 months, which was at the high end of the sentencing guidelines for the crime.

After the accident and before he came to prison, Fuller was so distraught over hitting Mr. Tucker and leaving the scene of the accident, he went for psychological counseling. His counselor said he had symptoms consistent with acute stress reaction and was "extremely disturbed and confused by his panic reaction."

More about the men and women who fill Michigan's prisons

While in prison, where he was misconduct free, Fuller worked on gate pass (outside the security perimeter) and took classes in custodial maintenance technology. He participated in substance abuse education classes but dropped out of a residential treatment program. He earned a parole guidelines score of 11, indicating he was at very low risk of re-offending and should have had a high probability of parole.

The Michigan Department of State determined that the facts of the accident “do not support negligent or hazardous driving causing the fatality” and did not suspend his driver’s license. Nonetheless, the parole board believed otherwise. Although there was no evidence to support the conclusion that Fuller was under the influence of alcohol at the time of the accident, the parole board decided that it was caused by Fuller’s drinking.

In the parole board notice of action, the “substantial and compelling reasons” for denying parole were:

P[risoner] did not demonstrate enough insight into his crime during PBI [parole board interview], P was not enlightened about why he was driving and drinking and he put the blame on the weather (rather) than his drinking which indicates that P is in denial about his substance abuse.

Said the interviewing parole board member:

P has only been in for 21 months for killing a person drinking while driving even though he was only charged with leaving a scene of an accident. Not willing to parole.

Fuller was finally paroled on Jan. 7, 2010.