

Faces behind the Figures

Are we safer because they're behind bars?



Nicholas Seymour, No. 312131

Crime: Manslaughter

Sentence: 3 - 15 years

First possible release: Nov. 23, 2002

Paroled: July 14, 2005

In spite of a perfect institutional record and a positive recommendation from the Assaultive Offender Program therapist, the parole board has kept Nicholas Seymour in prison for three years past his earliest release date, effectively doubling his minimum sentence.

Nicholas Seymour is a 1997 high school graduate. He completed 22 credits at Kirtland Community College towards a degree in computer science. When he turned 19, Seymour moved out of the family home and began drinking and experimenting with illegal drugs. In the spring of 1999, he was arrested for several misdemeanor offenses: possession and use of alcohol and marijuana, impaired driving, and fleeing and eluding police.

In November 1999, Seymour was involved in a fist fight with an acquaintance over ownership of a pick-up truck. As they wrestled each other to the ground, the victim's head struck a near-by car and the curb. Seymour continued punching the victim until he was pulled away by a witness. The victim died two days later of a head injury. Seymour pled guilty to voluntary manslaughter. In accordance with legislative sentencing guidelines, he was sentenced to 3 – 15 years in prison.

Seymour has had a perfect institutional record – no misconduct citations of any kind. He played guitar and sang at church services every Sunday for almost two years, and has continuously participated in AA/NA. Housing unit reports indicate that he is positive, cooperative, and involved in many projects to benefit the unit. Seymour has worked whenever a job was available, earning outstanding reports from all his supervisors, who say he's always ready to take on extra duties. He trained as a tutor, then worked with several classes of GED students. In 2001, after completing levels 1, 2 & 3 of Anger Management, he began teaching the class.

The Reception Center recommended that Seymour complete substance abuse programming, involve himself in AA/NA, and be assessed for assaultive offender therapy. He was able to participate in substance abuse programming, but getting into the Assaultive Offender Program (AOP) was more of a challenge.

It was fifteen months before AOP was available at the facility where Seymour resided. Even then he couldn't get into the year-long program, because other prisoners had earlier release dates. It took another nine months, five more inquiries, and a transfer to another facility



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before he was placed in AOP in April 2002. By then he had been in prison close to two years and was just seven months from completing his minimum sentence.

When he was first interviewed by the parole board in September 2002, Seymour scored favorably on the board's own parole guidelines, was housed in minimum security and had a gate pass to work outside the facility. He had strong family support, and was represented at his hearing by the undersheriff of Roscommon County. However, the parole board continued Seymour for 12 additional months, stating:

The offender's involvement in AOP designed to address his anger and assaultiveness is incomplete. His meaningful insight into the causes of this assaultive crime is also incomplete. Departure warranted. Still view as risk.

By the time of his 2003 parole interview, Seymour had completed AOP. In his final report, the therapist wrote that Seymour displayed a consistently calm demeanor, and empathy for group members, his victim, and others hurt by his actions. He showed excellent insight into the issues that led to his assaultive behavior and was able to apply the lessons of group in his daily living. Finally, Seymour developed a workable, common sense relapse prevention plan. The therapist supported Seymour's being paroled, saying that his risk of re-offending had been greatly reduced. Nonetheless, the parole board denied him release, writing:

During Parole Board interview prisoner continues to minimize his level of responsibility for this offense. Despite completion of recommended therapy, the Parole Board is not assured that prisoner's risk of re-offending has been diminished.

Seymour asked for reconsideration, saying that the decision to deny him parole was based on inaccurate information and that he had been cheated out of a fair hearing because he was able to talk for "maybe 20 seconds" before the interviewer cut him off. The board responded with a form letter saying there was no basis for changing its decision.

In July 2004, the parole board notified Seymour that it was denying release for the third time. Although it noted again that AOP completion did not provide enough assurance, this time the board stressed "the very brutal crime that occurred in front of victim's child" and called him "an unwarranted risk to public safety." With this 12-month continuance, the board effectively doubled the three-year minimum sentence imposed by the judge. Seymour's next re-consideration date was set for November 2005. In spring of 2005, however, the board decided to "accelerate" review of his case and he was paroled on July 14, 2005.

