

H A R L A N R I C H A R D S

November 3, 2013

Happy Anniversary - 29 Years In Prison

Yup, 29 years ago today the gavel banged down sentencing me to life in prison for stabbing a much larger man who attacked me without provocation. In my naivete, I was sure I would reverse my conviction on appeal, get a new trial and be acquitted. After all, my attorney sabotaged my defense, caused the absence of my best witness and the district attorney knowingly coached witnesses to lie about what happened. But nevermind all that, it's ancient history.

I'd like to focus on more recent events. In 2011, after 9 years in minimum security and community custody, after 19 months of work release and driving a state van unescorted all over northwestern Wisconsin ferrying prisoners to and from their work release sites, I was returned to medium security when the parole commission set the date for my next parole hearing 12 months away.

The parole commission ^{said} that my release would pose an unreasonable risk to the public because I had been discharged from an unrelated term of probation prior to being involved in the fight that cost another man his life. The probation stemmed from a non-violent drug conviction that occurred almost 5 years earlier.

I thought that was a pretty lame reason to deny me release on parole so I sought judicial review of the denial of parole. Two years later, the appellate court upheld the parole commission's decision, stating:

"Richards also contends that it was arbitrary for the committee to determine that he would still pose a great risk to the community when he has been a model prisoner and his security status has been reduced to the point where he has been able to spend substantial amounts of time over a period of years working in the community and driving prisoner transport vehicles. The commission acknowledged that Richards successfully completed all of the programming required and available to him, and that his conduct in prison had been positive. It also noted, however, that Richards had committed his second homicide just a month after having a prior sentence discharged due to positive behavior. Therefore, it was not arbitrary

for the committee to consider Richards' positive behavior as less than an adequate guarantee of his behavior once released into a less structured environment in the community. We will not substitute our judgment for that of the committee as to the weight to give to competing factors showing that Richards would or would not still pose an unreasonable risk to the public."

The initial reason the court upheld the parole commission was that the commission claimed in its briefs to the court that I had been discharged from parole for a previous homicide one month prior to the current offense. When I pointed this outright lie to the court, it ignored me and ruled in favor of the parole commission anyway. The reality is that 11 years prior to the fight I was convicted of manslaughter in a shooting. The definition of manslaughter in Wisconsin in 1973 was self-defense using too much force. It occurred when I was a teenager and I was on crutches from a motorcycle accident which left me permanently crippled.

Regardless, since 2005 I have literally spent years unsupervised out in the community. I already proved that I was not a risk to anyone. How can getting discharged from probation for a non-violent crime 29 years ago make me an unreasonable risk to the public now?

When you come up with an answer, let me know.