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## Newsroom:Brown: Horwitz on Woodmansee Case

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# Newsroom

## Brown: Horwitz on Woodmansee Case

The Brown Daily Herald interviewed Dean Andrew Horwitz for this article on the ongoing controversy surrounding the prospective release of a convicted child murderer.

*The Brown Daily Herald: "[Community outraged at impending release of child-murderer](#)" by David Chung*



**March 24, 2011:** Nearly four decades after brutally murdering a five-year-old South Kingstown boy, Michael Woodmansee is slated to be released this August, 12 years before completing his full sentence. The prospect of his release has fueled anger across the state as residents question why a prison system designed to punish violent offenders might let one of Rhode Island's worst back into the community he once traumatized.

In response to the Woodmansee case, **Rhode Island Attorney General Peter Kilmartin [RWU Law '98]** announced legislation Tuesday to modify rules allowing inmates to be released early due to good behavior. Woodmansee murdered Jason Foreman in May 1975 and received a 40-year sentence after being convicted in 1983.

But even if the General Assembly approves the proposed changes, they would not go into effect until Jan. 1, 2012 and would not affect Woodmansee's discharge.

Kilmartin said he is seeking ways to involuntarily commit Woodmansee to a mental institution. The state's Superior Court authorized the Department of Corrections last week to disclose previously sealed evidence from the case — including a journal describing the murder — to psychiatrists, who will evaluate Woodmansee to determine his eligibility for placement in a psychiatric unit.

"We must be patient and let due process take its course," Kilmartin said. Legislators had not thoroughly examined the statute governing the credits sex offenders receive for good behavior since its introduction in 1960, he said.

Though the "time off for good behavior" legislation would not keep Woodmansee behind bars, Kilmartin and the Department of Corrections reviewed the statute with Sen. Susan Sosnowski, D-New Shoreham, South Kingstown and Rep. Teresa Tanzi, D-Narragansett, South Kingstown — the state legislators who represent the community where Foreman was murdered. Tanzi is a resumed undergraduate student at Brown, though she is not currently enrolled in classes.

Woodmansee's case shows that the statute must be examined "to prevent serious offenders from getting away with serving a fraction of their time," Tanzi said.

Under the legislation, good time would no longer be available to individuals convicted of murder, kidnapping, sexual assault, child molestation, child pornography or first degree child abuse.

Currently, those convicted of these crimes may receive good time credits at the discretion of the director of the Department of Corrections. If the bill is passed, these prisoners would be able to retain their previously accrued credits.



The legislation overlooks the rehabilitative purpose of these incentives for good behavior, said **Andrew Horwitz, president of the Rhode Island Association of Criminal Defense Lawyers and associate dean of academic affairs at Roger Williams University School of Law.** "It's sound and intelligent correctional policy, no matter what the person has been convicted of."

But the incentive to behave remains, Kilmartin said, because the Parole Board would continue to consider an inmate's conduct when granting parole.

The director of the Department of Corrections would also have greater discretion to determine the number of days awarded for good behavior and prison work for inmates convicted of other crimes. Currently, the director may only reduce sentences by a predetermined number of days.

Tanzi, who introduced the House bill Tuesday, said the House considers preventing violent criminals from returning to communities a "front-burner issue." Though she expects extensive debate, Tanzi anticipates the House will approve the legislation. "Sometimes, unfortunately, it takes a horrible crime or the release of a criminal like this to further scrutinize a bill," she said.

But **Horwitz questioned** the necessity of the proposed changes. "We ought not pass laws based on one isolated situation that upsets us," he said. "That's not an intelligent way to make policy."

The changes appear "quite unrealistic" due to the costs that would be incurred from hiring additional prison staff and parole officers to address the needs of the inmates that would remain in the system, he added.

But **Kilmartin said** the changes are necessary regardless of potential costs. "It's about keeping our neighborhoods safe. It's about keeping our kids safe. It's about keeping our streets safe."

The state legislature is currently reviewing an amendment to the Sex Offender Registration and Notification Act, which creates a sex offender registration database. The amendment would require child murderers to be listed as sex offenders even if they are not convicted of a sex-related crime. Lawmakers are working to ensure Woodmansee would be placed on the list if released, Kilmartin said.

Foreman disappeared on his way home after playing outside. His case was unresolved until 1982, when Woodmansee was taken into custody for assaulting Dale Sherman, a 14-year-old paperboy.

Woodmansee confessed to killing Foreman at that time. Authorities later discovered several bones in his bedroom — just down the street from the Foreman house in South Kingstown — and a journal, purportedly describing Foreman's murder. Woodmansee has said that the journal is fantasy, though the prosecution hopes to use it to send Woodmansee to a mental institution.

Due to the gruesome nature of the crime, the Foreman family and Woodmansee reached a plea bargain to avoid exposing details in a public trial. Woodmansee was 16 at the time of the murder.

Though individuals involved in the case were aware of a potential early release, they "did not anticipate, due to the condition of the defendant, that he would be able to earn the maximum good-time credit," wrote Superior Court Associate Justice Susan McGuirl, who prosecuted Woodmansee as deputy attorney general, in a press statement.

Rhode Islanders have rallied behind the Foreman family. Supporters have demonstrated in South Kingstown and in front of the State House to urge policymakers to keep Woodmansee in state custody. Though some have questioned the constitutionality of refusing Woodmansee's release, government officials as high ranking as Gov. Lincoln Chafee have assured constituents that they are searching for ways to keep him behind bars.

But after reviewing the statute, officials determined that good time can only be rescinded if convicts commit infractions in jail, Kilmartin said. The good time benefits Woodmansee has accumulated cannot be annulled without evidence of misconduct.

John Foreman, Jason Foreman's father, has appeared on media outlets threatening Woodmansee with revenge if he is released. Prosecutors are working to notify the Foreman family of the tools at its disposal, including the victims' advocacy unit at the Office of the Attorney General.

*For full story, click [here](http://www.browndailyherald.com/2011/03/24/community-outraged-at-impending-release-of-childmurderer/). [http://www.browndailyherald.com/2011/03/24/community-outraged-at-impending-release-of-childmurderer/]*