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Roger Williams University School of Law

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Newsroom

Horwitz Wins Landmark Expungement Case

Professor Andy Horwitz represented the first known beneficiary of a new Rhode Island law that allows the expungement of prostitution convictions.

Professor (and incoming Associate Dean for Academic Affairs) **Andy Horwitz** was featured in a front-page story in today's *Providence Journal*, titled "[In court, her life, once lost, restored](#)":

PROVIDENCE, R.I., July 2, 2010 — In a rare moment in a courtroom filled with dejection and misery, a state judge gave a former prostitute a reason to literally whoop with joy at the prospect of having her life on the streets erased from the state's criminal-record books.



"You can clap if you want," District Court Judge Elaine Bucci told the Pawtucket police major, the Miriam Hospital nurse, the probation officer and the others who came into her courtroom Wednesday to show their support for Felicia Delgado, a onetime streetwalker who, in recent years, has worked for a Pawtucket neighborhood organization devoted to saving other women from the streets.

And cheer they did.

“Hallelujah! Thank you, your honor,” said Delgado, 45, as she left the courtroom in tears, the first known beneficiary of a provision in Rhode Island’s new prostitution law that allows the expungement of any number of prostitution convictions, “one year after completion of that person’s sentence.”

[...]

Added her lawyer, **Andrew Horwitz, the director of Roger Williams University’s Criminal Defense Clinic**, “The impact of granting these motions will not be to allow Ms. Delgado to maintain that she has no criminal history; rather the impact will be to erase these particularly personal and embarrassing entries.”

By opening this new door for the expungement of any number of prostitution convictions, the legislature, Horwitz said, apparently was acknowledging that “Those who are engaged in street-level prostitution are generally deeply afflicted with substance abuse, like the Ms. Delgado of a decade ago, or mental illness, or some combination or both.”

“In many ways, the street-level prostitute is the victim of the crime as much as, if not more than, she is the perpetrator,” he argued.

Delgado’s case raised thorny legal issues that may set a precedent for how the courts handle future cases submitted under a provision that key state senators insisted upon before agreeing to close a loophole that had for decades made indoor prostitution legal in Rhode Island.

State law already allowed judges to seal the records of nonviolent crimes by first-time offenders five years after they complete their sentences for a misdemeanor, 10 years after completing their sentences for a felony. The prostitution law allows a judge to expunge certain specific “loitering-for-prostitution” charges “one year after completion of that person’s sentence ... regardless of the person’s first offender status.”

In a memorandum of law he filed with the court, Horwitz described Delgado’s “remarkable success story.”

“From her teenage years until her mid-thirties, she lived a life that was dominated by drug abuse, prostitution and other criminal behavior. Then, through faith, perseverance and dogged determination, she turned her life around ... [then] devoted her life to the project of rescuing others who were suffering her same fate.”

He described her efforts as the sole outreach worker for a Pawtucket neighborhood organization — Project RENEW, which stands for Revitalizing & Engaging Neighborhoods by Empowering Women — that steers prostitutes to classes on HIV and sexually transmitted disease prevention, substance-abuse treatment, housing, employment and other services.

He attached a thick packet of letters singing Delgado's praises, including one from A.T. Wall, the head of the state prison system where she volunteers.

Horwitz also mentioned prominently a citation that Lynch bestowed on Project RENEW in February that singled Delgado out for praise.

"It is hard to imagine a more compelling case for expungement than that presented by Ms. Delgado," Horwitz argued. [...]

For full story, click [here](#).