

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
SUPREME COURT**

**IN RE: REQUEST FOR PRISON CENSUS :
CONTROL IN RESPONSE TO COVID-19 :**

SU-2020-0103-M.P.

STIPULATION

This matter is before the Court pursuant to the Emergency Petition For Issuance Of Extraordinary Writ that the Rhode Island Public Defender (“Public Defender”) filed on March 30, 2020, and on which the Court held a conference on April 1.

Background

On March 9, 2020, the Governor declared a state of emergency due to the dangers to health and life posed by the spread of the novel coronavirus, also referred to as COVID-19. Since that time, COVID-19 has continued to spread throughout Rhode Island with rising hospitalizations and fatalities.

In the opinion of the Director of the Department of Health, Dr. Nicole Alexander-Scott, the early release of prisoners currently housed at the Adult Correctional Institutions (ACI) is necessary and appropriate to prevent overcrowding and to continue to ensure the social distancing measures necessary to prevent the spread of COVID-19, provided that these individuals are released into a stable setting where they will be able to quarantine for a full 14-day period. (See Memo of Director Nicole Alexander-Scott, dated April 1, 2020, attached here as Attachment A).

The Department of Corrections has also represented that, in its judgment, further reduction in the inmate census is necessary to mitigate the risk of spread of COVID-19 within the ACI and infection of inmates and staff. In the opinion of Dr. Jennifer Clarke, the Medical Program Director at the ACI, “the fewer inmates the ACI maintains, in a congregate living environment, the safer

the inmates are from a COVID-19 outbreak within the secured facilities,” and “the fewer inmates incarcerated will strengthen DOC’s ability to keep the virus out of the secured facilities and contain it if an inmate becomes infected.” (See Declaration of Dr. Clarke dated March 31, 2020, attached here as Attachment B).

At the same time, the Parties are cognizant that the risk to the health of inmates, correctional officers, and staff at the ACI must be weighed against the risk to public safety.

The Rhode Island Public Defender has petitioned the Court for the early release of all inmates scheduled to be released from the ACI within the next 90 days. That list includes approximately 200 individuals, not counting those individuals scheduled to be released this week.

The Attorney General, as stated previously, does not object to the release of certain nonviolent offenders and certain drug offenders provided that the Department of Corrections can comply with the directives of the Department of Health. However, the Attorney General objects to the early release of inmates incarcerated for violent offenses (including, but not limited to, murder, manslaughter, felony assault, simple assault, and domestic violence offenses), weapons offenses, breaking and entering offenses, drug distribution offenses, and certain other offenses including violations of no contact orders and reckless driving/DUI offenses which it deems pose an unreasonable risk to the public.

The parties will continue to review the list of inmates who are scheduled to complete their sentences in the next ninety days and will advise the Court on or before April 3 as to whether they are able to stipulate to the eligibility for early release of any other inmates. The Parties understand that the Court may order further proceedings to address the early release of individuals for whom the Parties have not reached an agreement.

Stipulated-to Early Release

Consistent with the recommendations of both the Rhode Island Department of Health and the Rhode Island Department of Corrections, the Public Defender, the Office of the Attorney General, and the Department of Corrections stipulate and agree to the following:

1. Each of the 76 inmates identified on the list attached as Attachment C should be eligible to have the time-to-serve component of the sentence that he or she is currently serving at the ACI reduced to “time served” and for immediate release from the ACI provided that such release is conducted pursuant to a discharge plan that provides for their release into a “stable setting where they will be able to quarantine for a full 14 day period” consistent with Department of Health guidelines. See Attachment A.
2. No inmate shall have his or her sentence reduced or be released from the ACI pursuant to this Order unless and until the inmate (a) establishes to the satisfaction of the Department of Corrections that he or she will be released to a stable setting and (b) agrees to quarantine for fourteen (14) days following his or her release, monitor themselves for symptoms of COVID-19, and submit to public health monitoring by the state.
3. The Department of Correction may implement this early release plan over a period of ten days from the entry of any court order provided that no individual listed on Attachment C may be held longer than his or her original sentence. The Department of Corrections shall advise the Court, the Office of the Attorney General, and the Public Defender within five (5) days of the entry of any court order of its progress in implementing this early release program.

Respectfully submitted,

/s/ Adi Goldstein
/s/ Christopher Bush

Adi Goldstein (#6701)
Christopher R. Bush (#5411)
Office of the Attorney General
150 South Main Street
Providence, RI 02903
(401) 274-4400

/s/ Matthew B. Toro
/s/ Lara E. Montecalvo

Matthew B. Toro (#5736)
Lara E. Montecalvo (#6274)
Rhode Island Public Defender
160 Pine Street
Providence, RI 02903
(401) 222-1511

/s/ Kathleen M. Kelly

Kathleen M. Kelly (#5501)
Executive Counsel
Department of Corrections
40 Howard Avenue
Cranston, RI 02920
(401) 462-2546

ATTACHMENT A



Rhode Island Department of Health
Three Capitol Hill
Providence, RI 02908-5097

www.health.ri.gov

Memo

To: Adi Goldstein
Deputy Attorney General

From: Nicole Alexander-Scott, MD, MPH
Director

Date: April 1, 2020

Subject: Early Release

In order to prevent overcrowding and to continue to ensure the social distancing measures necessary to prevent the spread of COVID-19, the Rhode Island Department of Health supports the release of prisoners currently housed at the Adult Correctional Institutions provided that any individuals must be released into a stable setting where they will be able to quarantine for a full 14 day period. While under quarantine any individuals released from the ACI will be required to monitor for symptoms and be subject to public health monitoring by the state.

ATTACHMENT B

STATE OF RHODE ISLAND and PROVIDENCE PLANTATIONS
PROVIDENCE, SC. SUPREME COURT
IN RE: REQUEST FOR PRISON CENSUS CONTROL : SU-2020-103-MP
IN RESPONSE TO COVID-19 :

**RHODE ISLAND DEPARTMENT OF CORRECTIONS RESPONSE TO PUBLIC
DEFENDER'S EMERGENCY PETITION FOR ISSUANCE OF EXTRAORDINARY
WRIT AND REQUEST FOR TELEPHONE CONFERENCE WITH DUTY JUSTICE**

Now comes the Rhode Island Department of Corrections ("RIDOC"), and pursuant to the Rhode Island Supreme Court's order to respond to the Rhode Island Public Defender's Emergency Petition for Issuance of Extraordinary Writ, the Department of Corrections hereby submits the following:

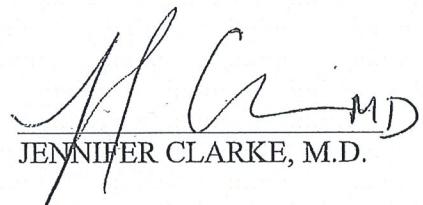
The COVID-19 virus is a new disease and there is limited information regarding risk factors for severe illness resulting from contraction of the disease. Since the inception of this extraordinary public health crisis the Department has sought numerous ways to mitigate the population census in anticipation of widespread infection within the facilities of the Adult Correctional Institutions. These efforts include, but are not limited to, encouraging the courts to increase utilization of home confinement for bail and short sentences, coordinating with the courts to substantially increase the use of video court and video conferencing to reduce the number of individuals entering and exiting the facilities, providing the Public Defender with a list of awaiting trial inmates held on low bail amounts for their filing of motions to reduce bail, and reviewing inmates for restoration of lost good time where appropriate in an effort to accelerate release dates. While pursuing these initiatives the Department has remained cognizant of the limits of the

- o Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications. *See* <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/people-at-higher-risk.html>.”

7. Many of the inmates incarcerated at the ACI are in one or more at-risk category which means their mortality rate is elevated if they do become infected.

8. In my opinion, from a public health perspective, the fewer inmates the ACI maintains, in a congregate living environment, the safer the inmates are from a COVID-19 outbreak within the secured facilities.

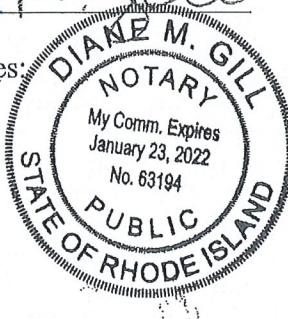
9. In my opinion, fewer inmates incarcerated will strengthen DOC's ability to keep the virus out of the secured facilities and contain it if an inmate becomes infected.



JENNIFER CLARKE, M.D.

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

Then personally appeared before me on this 31st day of March, 2020, the above-named Jennifer Clarke, M.D. who acknowledged the foregoing statement to be true, to the best of her knowledge and belief.

Diane M. Gill
Notary Public
Commission Expires:


ATTACHMENT C

ID#	Last Name	First Name	Case	Charge Description	Good Time Date
139037	SCHREFFLER	CHRISTOPHER	K2200164A	POSS CRACK	4/13/2020
137168	MERCER	JAMES	N2170217A	POSS CONTROLLED SUBSTANCE/SCH I-V	4/13/2020
138325	MCGAW	ZACHARY	212000215	SHOPLIFTING	4/14/2020
525541	BARLOG	EDWARD	612001903	VANDALISM	4/14/2020
567891	SHERMAN	RICHARD	411900327	SHOPLIFTING	4/14/2020
156669	PENA	BRYAN	P2180739A	RECEIVE STOLEN GOODS OVER \$500	4/14/2020
93596	MARKS	JOHN	P2200106A	POSS CONTROLLED SUBSTANCE/SCH I-V	4/16/2020
559140	WASHINGTON	ROBERT	311911246	RECEIVE STOLEN GOODS OVER \$500	4/16/2020
139252	BALDAYAC	JOSUE	612002569	OBSTRUCT POLICE OFFICER	4/17/2020
122665	TAYLOR	LEMUEL	611911338	SHOPLIFTING	4/18/2020
500355	CARRION	JOSE	612000115	RESISTING ARREST	4/18/2020
563470	BLAIS	STEVEN	311910468	SHOPLIFTING	4/19/2020
99994	REFINO	ROBERT	612001460	SHOPLIFTING	4/19/2020
160939	TELEMIN DE JESUS	ALEXI	P2193300A	MAINTAIN COMMON NUISANCE	4/19/2020
153091	REGIMBAL	CASEY	311902243	FALSE 911 CALL	4/20/2020
159990	STORTI	CHRISTOPHER	311904342	SHOPLIFTING	4/20/2020
155943	JONES	SHYHIEM	212000214	OBTAIN PRESCRIPTION FALSE PRET.	4/20/2020
63880	TABISHESKY	JOSEPH	311908494	TRESPASS ON PRIVATE PROPERTY	4/21/2020
152504	MORGAN	ALEXANDER	P2192677AD	RESISTING ARREST	4/21/2020
124386	GADSON	DARRYL	P2193848A	POSS CONTROLLED SUBSTANCE/SCH I-V	4/24/2020
537208	WILCOX	RODNEY	P2143512A	POSS CONTROLLED SUBSTANCE/SCH I-V	4/26/2020
140848	GOODRICH	JOSEPH	P2163457AG	POSS CONTROLLED SUBSTANCE/SCH I-V	4/27/2020
158957	MESSE	PAUL	P2196085A	POSS CONTROLLED SUBSTANCE/SCH I-V	4/28/2020
560490	STEWART	ERIC	311809302	FRAUD USE OF CREDIT CARDS UNDER \$100	4/28/2020
74652	SCHREFFLER	CHRISTOPHER	P2112160A	POSS CONTROLLED SUBSTANCE/SCH I-V	4/29/2020
553331	ARTEGA	AKEENE	311812029	OBSTRUCT POLICE OFFICER	4/29/2020
525961	OROSCO	MARY	P2190356A	POSS CONTROLLED SUBSTANCE/SCH I-V	5/1/2020
64963	JONES	DAYMON	311904208	FORGE & COUNTERFEIT	5/2/2020
88890	ALGARIN	ALBERT	612001907	TAMPER W/MOTOR VEHICLE	5/2/2020
159485	TEJEDA	DAYANNA	611912766	SHOPLIFTING	5/2/2020
63751	NEALY	ROBERT	612002655	LARCENY UNDER \$1,500	5/3/2020
555171	OTIS	CALIN	311903220	SHOPLIFTING	5/3/2020
159678	LACHAPELLE	AMANDA	311902388	SHOPLIFTING	5/4/2020
147439	DEMELLO	KYLE	211902349	LARCENY UNDER \$1,500	5/5/2020
543981	NYSTROM	TRISHA	K2150442A	FELONY SHOPLIFTING	5/6/2020
93178	HAZARD	PETER	611911025	DISORDERLY CONDUCT	5/7/2020
563454	DETHSOUVANH	RICKIE	P2191525A	POSS CONTROLLED SUBSTANCE/SCH I-V	5/9/2020
129742	VELEZ	RANDY	311909460	POSS MARIJUANA	5/11/2020
138093	LEWIS	JASON	K2190806A	POSS CONTROLLED SUBSTANCE/SCH I-V	5/12/2020
72509	MORRIS	SCOTT	312000787	SHOPLIFTING	5/12/2020
82260	CORDEIRO	JOHN	P2200396A	SHOPLIFTING	5/12/2020
153662	ROBERTS	NATU	611905839	SHOPLIFTING	5/13/2020
90555	HOWARD	RAMONDO	211900845	SHOPLIFTING	5/13/2020
93422	KNOWLES	ERIC	611907291	OBSTRUCT POLICE OFFICER	5/14/2020
105535	HEGGS	JOHN	612001885	LARCENY UNDER \$500	5/14/2020
145864	TORRES	ROBERTO	P2190508A	VANDALISM	5/14/2020
157500	IASIMONE	DONALD	311904470	CONSPIRACY	5/15/2020
538169	KIDD	CHRISTOPHER	312001590	LARCENY UNDER \$500	5/15/2020
564049	WINDSOR	ARTIS	612001906	LARCENY UNDER \$1,500	5/17/2020
147644	GORE	RISHOD	611912756	DRIVING AFTER DENIAL REVOCATION OR SUSPENSION	5/17/2020
113144	CAMPOS	DANIEL	P2194024A	FELONY SHOPLIFTING	5/19/2020
84455	FERRIS	SHAWN	P2201135A	FELONY SHOPLIFTING	5/21/2020
113588	DIPANNI	TROY	K2140755A	FELONY SHOPLIFTING	5/23/2020
122543	DEJESUS	PEDRO	612002980	SHOPLIFTING	5/24/2020
69670	HAZARD	WILLIAM	K2190639A	LARCENY OVER \$1,500	5/25/2020
130040	MORALES	LEONARDO	P2163131A	POSS CONTROLLED SUBSTANCE/SCH I-V	5/28/2020
134037	OLSEN	JOSHUA	311909950	TRESPASS ON PRIVATE PROPERTY	5/28/2020
141912	PAGLIA	ANTHONY	P2192680AD	VANDALISM	5/29/2020
152224	ADAMES	JONATHAN	212000471	RECEIVE STOLEN GOODS UNDER \$500	6/1/2020
155581	LIVERPOOL	ANTON	611911164	DISORDERLY CONDUCT	6/1/2020
566527	DOSSANTOS	MICHAEL	611909402	DRIVING WITH SUSPENDED LICENSE	6/1/2020
156499	DAIGLE	NATHAN	312001787	OBSTRUCT POLICE OFFICER	6/1/2020
115510	WITHROW	WENDI	K2150685A	POSS CONTROLLED SUBSTANCE/SCH I-V	6/3/2020
536960	ENGLISH	EDWIN	P2201023A	FELONY SHOPLIFTING	6/5/2020
144186	GELINAS	ANDREW	312000558	DISORDERLY CONDUCT	6/5/2020
160560	WEST	AMANDA	W2200123A	POSS CONTROLLED SUBSTANCE/SCH I-V	6/6/2020
152404	CHMIEL	ALISHA	P2170863A	POSS CONTROLLED SUBSTANCE/SCH I-V	6/7/2020
60290	JACQUES	ALBERT	311911926	SHOPLIFTING	6/7/2020
110071	GARNETTO	WILLIAM	611908941	LARCENY UNDER \$1,500	6/11/2020
558362	MCPARLIN	DANIEL	P2180115A	POSS CONTROLLED SUBSTANCE/SCH I-V	6/16/2020
146866	ALMSTROM	JESSE	W2170068A	LARCENY OVER \$1,500	6/18/2020
561001	OTERO	JOSHUA	611912069	RESISTING ARREST	6/21/2020
133786	DUNLOP	MICHELE	212000085	LARCENY UNDER \$1,500	6/23/2020

97422	DASILVA	DANIEL	K2190372A	LARCENY OVER \$1,500	6/24/2020
120649	POLION	KENNETH	P2180733A	CONSPIRACY	7/1/2020
159447	GONSALVES	MICHELLE	N2170145A	LARCENY OVER \$1,500	7/4/2020