

Roberta DiMezza

From: Michael DiLauro <madpd2001@yahoo.com>
Sent: Monday, March 24, 2025 1:25 PM
To: House Judiciary Committee
Cc: John Manni; John_Manni
Subject: 2025--H 5639
Attachments: State v Latraverse 443 A2d 890 RI 1982.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Chairman Craven & Members of the House Judiciary Committee:

I write to express concerns about the legislation referenced here, introduced at the request of the Attorney General, that would establish the crime of attempted kidnapping of a minor. The reasons for these concerns include that the legislation is unnecessary, could lead to confusion in the charging decision and overcharging, and is already covered by provisions of existing law.

In *State v. Latraverse, 443 A.2d 890 (RI 1982)* (copy attached) the Rhode Island Supreme Court adopted the Model Penal Code's definition of "criminal attempt" as a matter of common law thereby making the attempt to commit any crime as included in any substantive criminal offense charged by the state. Thus, the behavior that would be proscribed by this legislation is already covered by a variety of criminal provisions including:

- * [§ 11-26-1. Kidnapping.](#)
- * [§ 11-26-1.1. Childsnatching.](#)
- * [§ 11-26-1.4. Kidnapping of a minor.](#)
- * [§ 11-26-2. Kidnapping with intent to extort.](#)

Since *Latraverse* was decided more than four decades ago a number of decisions of the Rhode Island Supreme Court have cited and relied upon it in deciding cases favorably for the state when "criminal attempt" is alleged by the facts proven and therefore included in the substantive offense charged. These include:

- * *State v. Gibson, 291 A.3d 525 (R.I. 2023)*
- * *State v. Oliveira, 882 A.2d 1097 (R.I. 2005)*
- * *State v. Ferreira, 463 A.2d 129 (R.I. 1983)*

Thank you for considering my thoughts in this important matter.

Respectfully,

Michael A. DiLauro, Esq.
The Just Criminal Justice Group, L.L.C.
P.O. Box 7000
Warwick, RI 02887-7000
401-487-3644
madpd2001@yahoo.com