

Vt. sex offender jailed 19 extra months

Struggled to find approved housing



Michael Potter (left) with his attorney, Kevin Griffin, at a parole hearing in District Court in White River Junction, Vt. (Geoff Hansen/Valley News via Associated Press)

By [John Curran](#)

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MONTPELIER — A Vermont sex offender who spent an extra 1 1/2 years in prison because he could not find a state-approved place to live after his release is finally getting out.

But the dilemma posed by his placement underscores the heightened sensitivity within the Department of Corrections and Vermont communities in dealing with sex offenders since a highly publicized case in 2008 that prompted changes to the law.

“At significant expense, we’re keeping people beyond their minimum [sentences] because we don’t know how to transition them,” said Windsor County State’s Attorney Robert Sand. “The larger story is that in the wake of some high-profile cases where people on probation did some bad things, everyone in state government is more cautious about the release of high-profile offenders.”

Michael Potter was sentenced to 20 years after pleading guilty to attempted murder and lewd-and-lascivious conduct in a 1997 attack. Potter, who assaulted and slit the throat of a 66-year-old woman in Quechee, registered as a sex offender, and was to be released in December 2008.

But he failed to meet one of the conditions of probation: to identify a suitable place to live once he got out.

The Department of Corrections cited him for a probation violation after rejecting his proposals for residency, one of which was moving in with his mother, who lives with two young grandchildren.

On Wednesday, a judge in White River Junction approved a compromise under which the 34-year-old Quechee man agreed to submit to electronic monitoring and polygraph tests and the state agreed to withdraw the probation violation complaint.

Under the compromise, the Department of Corrections agreed to find Potter a place to live and to release him by July 30.

His attorney, Kevin Griffin, said it was “insanity” for the state to house Potter for 19 months more than it had to and said that while no one was crying over the extended incarceration, taxpayers were paying for it.

“The public doesn’t care about Michael Potter,” Griffin said yesterday. “Even the feedback I get in the community is that everyone simply points to his crime and says, ‘Why should we care?’ I say that at a minimum, keeping him in for another 19 months cost them another \$75,000. They could have built a trailer for the guy, and housing never would have been a problem.”

David Peebles, community justice executive for the department, said the cost of an inappropriate placement can be high in other ways, too.

“When we’re trying to balance public safety with individual rights, sometimes there’s a rub,” he said. “Our job is to make the best decision based on what we know about offenders who are similar and how they respond upon their release.”

Such placements have become thornier since Michael Jacques, a registered sex offender, was accused in the 2008 slaying of 12-year-old Brooke Bennett, his niece. He is awaiting trial.

The case prompted the Legislature to create a new crime of aggravated sexual assault against a child, expand special investigative units statewide to investigate sex crimes, and increase the collection of DNA samples from criminal suspects.

“We do have halfway houses, and we have a good network of transitional housing,” Peebles said. “But many of these providers will not deal with sex offenders. That’s a reality.”

Sand said that while the department is not in the business of arranging community-based housing, “offenders “are often poorly equipped to make those community-based arrangements.”

“It remains an ongoing problem in Vermont, that transition point between jail and the community,” he said.”

When Potter is released from Northern State Correctional Facility in Newport, the state will place him in Hartford; officials are not saying where. “I’ll just go wherever I have to,” Potter said in court Wednesday.