

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
DOCKET NO. SJ-

IN THE MATTER OF THE RELEASE OF WAYNE W. CHAPMAN

---

PETITION FOR EMERGENCY RELIEF  
PURSUANT TO G.L.c.211, §3

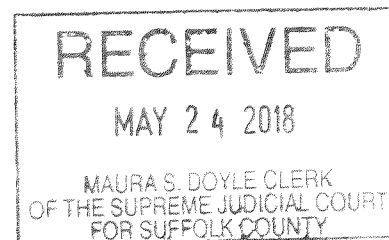
---

Now come Jane Doe 1, Jane Doe 2, Jane Doe 3, and John Doe<sup>1</sup> who are listed in the "Victim Notification Registry" for Wayne W. Chapman, pursuant to 803 C.M.R. § 9.00, and respectfully petition this Court for relief under G.L.c.211, § 3. In support thereof, Petitioners submit an accompanying memorandum of law, and state as follows:

1. Wayne Chapman was convicted of rape of a child in 1977 for sodomizing and raping two little boys in Lawrence Massachusetts. He was sentenced to 15 to 30 years in prison. Soon thereafter, he pleaded guilty to sodomy and other sex crimes involving a child, for which he received a sentence of six to ten years. Commonwealth v. Chapman, 444 Mass. 15 (2004). His sentence ran concurrently with two additional child rape convictions out of Providence, Rhode Island. All victims were between 7 and 10 years-old. He was

---

<sup>1</sup> The true identities of the Jane Does and John Doe are filed separately, under seal, with the court.



declared sexually dangerous and transferred to the Treatment Center in November 1977. Id.

2. In 1991, Chapman petitioned for released from the Treatment Center, which was denied. The judge in that matter ruled that Chapman showed no empathy or remorse, and that his convictions in 1977 "culminated a [ten] year history of child abuse" in several states, and that there were "about [fifty] victims." Id. Chapman himself has stated that he raped as many as 100 boys, and fantasized about killing and cannibalizing a child. Chapman testified in the past that his offending began when he was seven years-old. In 1967, he was charged with sex offenses against a 12 year-old boy in Pennsylvania. That case led to a conviction for assault and battery. In 1971, he was convicted of sexually abusing a 10 year-old boy in Pennsylvania, and taking nude photographs of the child. In 1975, he was convicted of sex offenses involving a 9 year-old child. During a proceeding in 2004, an Essex County prosecutor reported to the Appeals Court that Chapman received "no sex offender treatment" from 1991-2004.

3. In 2004, Chapman completed his sentence and was civilly committed as a sexually dangerous person under G.L.c.123A.

4. Chapman repeatedly petitioned for release thereafter

under c.123A, §9, but was unsuccessful as late as 2016, when a jury found Chapman was still sexually dangerous.

5. At some unknown point in 2018, Chapman filed another petition for release in Essex Superior Court.

6. The 2018 petition led to two "qualified examiners" being assigned to assess Chapman for sexual dangerousness. According to the Boston Globe, those examiners notified Chapman's attorney on Monday May 20, 2018 that they each determined Chapman was no longer sexually dangerous.

(Boston Globe May 23, 2018, B.1) Under Johnstone, Petitioner, 453 Mass. 544 (2009), a person seeking to be released from commitment as a sexually dangerous person is entitled to release without a trial if the two qualified examiners both form the opinion that the petitioner is no longer dangerous. This means Chapman is currently eligible for immediate release from custody. He is reportedly housed at MCI Shirley Health Unit, but is under civil commitment at the Treatment Center.

7. The two "qualified examiners" who determined that Chapman is not longer sexually dangerous became involved in this matter after the DOC hired Forensic Health Services (FHC) to examine Chapman. According to the Boston Globe, *supra*, the two "qualified examiners" are Gregg Belle and Katrin Rouse-Weir. They both work for FHC. A DOC

spokesperson stated that the two individual examiners were selected by FHC. This does not comport with G.L.c.123A, which mandates that "the court shall order the petitioner to be examined by two qualified examiners." Nowhere does the statute provide that qualified examiners may be appointed by a private for-profit company.

8. Both examiners testified previously in Chapman's SDP cases. They met with Chapman in connection with this matter, but Chapman refused to meet with the Community Access Board, which has a duty on behalf of the public under 123A, § 6A to conduct annual reviews of sexually dangerous persons, and form opinions and make recommendations regarding an individual's current sexual dangerousness.

9. G.L.c.123A, §9 mandates that a copy of any petition for release "shall be sent within fourteen days after the filing thereof to the department of the attorney general and to the district attorney where the original proceedings were commenced." Spokespersons for the Attorney General and the Essex County District Attorney stated that their offices did not receive a copy of Chapman's petition.

10. Under 803 C.M.R. § 9.0944(2) "Each custodial or supervisory agency shall provide no less than 14 days advance notification for the offender's: (a) temporary,

provisional, and final release from custody" to all persons listed in the Victim Notification Registry. All Petitioners in this matter are listed in the "Victim Notification Registry" for Chapman, pursuant to 803 C.M.R. § 9.00, but were not notified that Chapman was about to be released until Monday May 21, 2018 in the afternoon. A DOC official contacted three of the four petitioners by telephone and stated that Chapman was going to be released, that the DOC had no power to hold him, and that he could be released "as soon as tomorrow." Petitioner John Doe learned of Chapman's imminent release from one of the other Petitioners. No DOC official contacted him. Nor did any DOC official notify any of the four petitioners that Chapman had filed a petition for release, even though they had received notice in the past when Chapman filed other petitions for release. Lack of proper notification caused Petitioners serious distress.

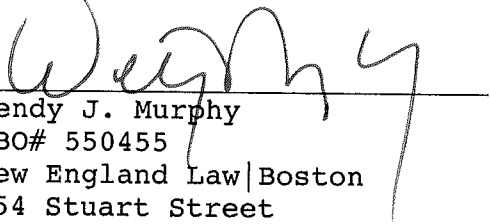
11. Documents related to the petition for Chapman's release, including the petition itself, have not been made available to the public or Petitioners. A Suffolk County Clerk reported that Chapman's file is being reviewed by the chief administrative judge.

WHEREFORE, Petitioners respectfully request that this Court: enjoin the release of Wayne Chapman from custody; order full disclosure of all documents related to the 2018 petition for Chapman's release; determine whether there has been compliance with G.L. c.123A regarding notification to Petitioners and the appointment of the qualified examiners who determined Chapman was non longer sexually dangerousness; and/or issue any other order deemed appropriate and just.

Respectfully submitted,

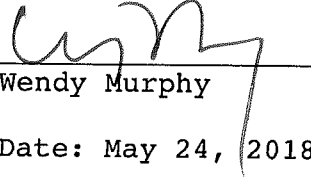
Petitioners,

By their counsel

  
Wendy J. Murphy  
BBO# 550455  
New England Law|Boston  
154 Stuart Street  
Boston MA 02116-5610  
617-422-7410  
wmurphy@nesl.edu

**CERTIFICATE OF SERVICE**

I, Wendy Murphy, hereby certify that I served the foregoing document on Eric Tennen, Wayne Chapman's counsel of record, by email at etennen@swomleyandtennen.com, at 9 a.m., and at 9:45 by email to Mary Murray, Chief Counsel to the DOC/Treatment Center at mary.murray@massmail.state.ma.us.

  
Wendy Murphy

Date: May 24, 2018

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
DOCKET NO. SJ-

IN THE MATTER OF THE RELEASE OF WAYNE W. CHAPMAN

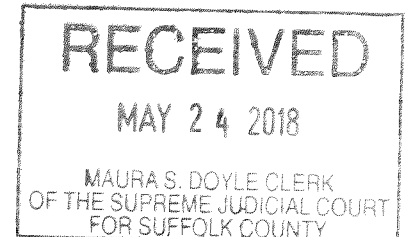
---

MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR EMERGENCY  
RELIEF PURSUANT TO G.L.c.211, §3

---

G.L. c. 211, §3 grants this Court "general superintendence of all courts of inferior jurisdiction to correct and prevent errors and abuses therein if no other remedy is expressly provided." Petitioners have no other means by which they can seek redress to obtain necessary emergency relief. Review is appropriate because the Single Justice's "discretionary power of review under G.L. c. 211, §3, is extraordinary and will be exercised only in the most exceptional circumstances", Campiti v. Commonwealth, 417 Mass. 454, 455 (1994) and this matter presents extraordinary circumstances worthy of the Court's review.

This petition alleges errors and abuses worthy of this Court's extraordinary power on behalf of Petitioners and the general public, not only because Wayne W. Chapman has a long history of being adjudicated too dangerous to be



notification "must" be made on all approved registrations, § 9.0944(1)(b), "no less than 14 days of the offender's temporary, provision, or final release. § 9.0944(2)(a). None of the Petitioners received the 14-day advanced notice to which they were entitled.

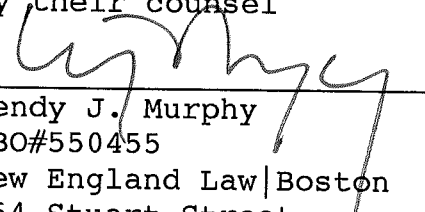
Finally, review is appropriate under G.L. c.211, §3 because of the general importance of the public's interest in ensuring that proceedings related to the release of a sexually dangerous person are conducted openly, and in accordance with the law. Bradford v. Knights, 427 Mass. 748 (1998)(review under G.L. c.211, §3 proper where no substantive right was at stake because of the "general importance" of a question involving the district court's authority over the issuance of a criminal complaint at the behest of a citizen.)

For all the above reasons, this Court should the grant emergency relief requested.

Respectfully Submitted,

Petitioners

By their counsel

  
Wendy J. Murphy  
BBO#550455  
New England Law|Boston  
154 Stuart Street  
Boston, MA 02116  
617-422-7410  
BBO#550455



**CERTIFICATE OF SERVICE**

I, Wendy Murphy, hereby certify that I served the foregoing document on Eric Tennen, Wayne Chapman's counsel of record, by email at etennen@swomleyandtennen.com, at 9 a.m., and at 9:45 by email to Mary Murray, Chief Counsel to the DOC/Treatment Center at mary.murray@massmail.state.ma.us.

  
Wendy Murphy

Date: May 24, 2018

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
DOCKET NO. SJ-

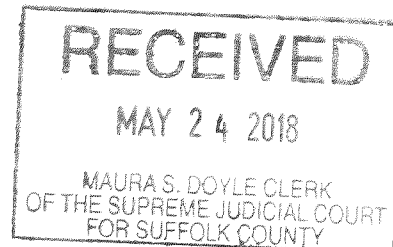
IN THE MATTER OF THE RELEASE OF WAYNE W. CHAPMAN

---

MOTION TO PROCEED UNDER THE PSEUDONYMS  
JANE DOE AND JOHN DOE

---

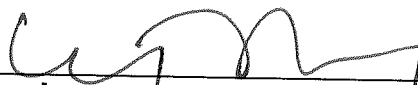
Petitioners hereby move this Court for leave to file all pleadings, including their petition for relief pursuant to G.L.c.211, § 3, under the pseudonyms Jane Doe and John Doe. As grounds therefore, Petitioners state that this matter involves allegations of child sexual abuse and the Petitioners are either victims, parents of victims, and/or members of the community that suffered harm as a result of Wayne Chapman's crimes. All Petitioners in this matter are registered in the "Victim Notification Registry" for Chapman, pursuant to 803 C.M.R. § 9.00. Identifying Petitioners would directly or indirectly identify victims. One of the Petitioners has been involved in investigating Chapman's involvement in unsolved crimes against children. Petitioners' true identities are on file, under seal, with the Court.



Respectfully submitted,

Petitioners,


By their counsel



Wendy J. Murphy  
BBO# 550455  
New England Law|Boston  
154 Stuart Street  
Boston MA 02116-5610  
617-422-7410  
wmurphy@nesl.edu

**CERTIFICATE OF SERVICE**

I, Wendy Murphy, hereby certify that I served the foregoing document on Eric Tennen, Wayne Chapman's counsel of record, by email at [etennen@swomleyandtennen.com](mailto:etennen@swomleyandtennen.com), at 9 a.m., and at 9:45 by email to Mary Murray, Chief Counsel to the DOC/Treatment Center at [mary.murray@massmail.state.ma.us](mailto:mary.murray@massmail.state.ma.us).

  
Wendy Murphy

Date: May 24, 2018