

Similar cases yield very different results in Wisconsin prison system



[Mark Hoffman / Journal Sentinel](#); [Elizabeth Dohms / Chippewa Herald](#)

At left, Ramiah Whiteside stands on the grounds of the Fox Lake Correctional Institution. After 19 years, he still doesn't know when he'll get out. At right, Shane Urness speaks about drunken driving to a high school in Cornell, Wis. Urness, whose offense was similar to Whiteside's, served five years in prison and was released five years ago.

By [Gina Barton](#) of the Journal Sentinel
Nov. 29, 2014

When Ramiah Whiteside saw the flashing red and blue lights in his rearview mirror, he drove faster.

He was behind the wheel of a stolen Cadillac. He was on probation. At 19, he already had a lengthy arrest record and had served prison time for selling marijuana.

Careening out of control, the car plowed through a Milwaukee County bus stop shelter, killing a teenage girl and two men waiting there. Then it crashed into a building and exploded in flames. Police pulled Whiteside from the vehicle, but his 15-year-old cousin was trapped inside and burned to death.

That was almost 20 years ago.

At a 1995 hearing, Milwaukee County Circuit Judge David Hansher sentenced Whiteside to 47 years — the maximum — and said he would order more time if he could. For years afterward, Hansher told Whiteside's story to other young defendants, using it as a cautionary tale of what can happen when a joy ride goes bad.

Nine years later, Shane Urness sped down a curving road in western Wisconsin's Buffalo County. Headed home from an alcohol-fueled party with his best friend at 3 a.m., Urness tried to go around a slower vehicle in a no-passing zone and smashed head-on into an oncoming car. His friend, just 22, was killed. So were two men in the other car. Two others were seriously injured.

At 20, Urness had never been in jail, never been in trouble. He sobbed as Buffalo County Circuit Judge Dane Morey — calling it the most difficult sentencing of his career — handed down a prison term of five years, far less than the maximum of 87 1/2.

Whiteside and Urness shared a prison cell for more than six months. Theirs is a story of redemption, both behind bars and on the outside. It is also a story that reveals how [Wisconsin's truth-in-sentencing law](#) doesn't necessarily mean more prison time for a similar crime — but in the state with the highest rate of African-American incarceration in the country, being black just might.

Urness, who is white, was sentenced in 2005 under truth in sentencing, which took effect in 1999. As a result, he had to serve every day ordered by the judge. As he left the courtroom for prison, he knew the exact date he would be set free.

Whiteside, who is black, was sentenced under the old parole system. Prisoners like him become eligible for parole after serving 25% of their sentences. In most cases, they must be paroled after serving two-thirds of their time.

That means Whiteside could have been set free after about 12 years, and will likely have to be released after about 31. He has served nearly 20 so far. His is a sentence of uncertainty, of never knowing when he will get out of prison and no specific standards he can meet on his own to make it happen.

Whiteside is among some 2,700 people incarcerated in Wisconsin whose [sentences allow for parole, but who remain in custody](#). All of them were sentenced before truth in sentencing took effect.

Like Whiteside, 45% are black, compared with 6.5% of the state's population and 43% of all male inmates. Like Whiteside, more than half committed their crimes in their teens or 20s. The cost of keeping them locked up is about \$100 million a year, paid by state taxpayers.

Parole grants have decreased dramatically in recent years — from 1,146 in 2005 to 152 in 2013.

Inmate mentor

Urness was a recent arrival to New Lisbon Correctional Center when he met Whiteside nine years ago. Urness had no idea what to expect from prison or how to survive there. What's more, he had broken both arms, both legs and his neck in the crash. His muscles were still weak, and he walked with a limp.

Whiteside, by then, had spent some of his time behind bars studying to be a personal trainer. In the prison gym, he devised exercise programs to help inmates deal with conditions such as diabetes and obesity. Urness started working out with him. Once they got to talking and realized they were coping with the same guilt and loss, had the same need to atone for starkly similar crimes, they slowly forged a friendship.

"He was a lot of help," Urness said. "He was somebody to talk to, whether it was about family or because of the issues I was going through. ...Over time, I realized he was somebody I could trust. The more I got to know him, the more I realized he actually was somebody trying to better himself."

Whiteside pushed Urness to participate in the Hope Program, in which two or three inmates spent time with small groups of troubled kids, aiming to lower their odds of future incarceration by listening to their problems and sharing life experiences.

"In my heart, I know Whiteside is a good person," Urness said. "I know he would be a contributing factor to society, getting a job, working with troubled teens or even troubled adults. Whatever he chooses to do, Whiteside would put it 100% forward."

Today, Urness has been home for five years. He's married with a child. Working. He's got five years left on supervision. His sentence calls for him to do at least three speeches a year about the dangers of drinking and driving, but he does more, sometimes 15, sometimes 20 — largely inspired by his participation in the Hope Program, which has since been discontinued.

He will always, he says, do more. He has a deep need to help other young people avoid the pain he caused.

"I hope it helps somebody," Urness said of his presentations. "It's the best way I know how to say I'm sorry to everybody I hurt, to better myself and better the people around me."

Urness isn't the only one who believes Whiteside has a similar capacity for good.

Hansher, the judge who sentenced Whiteside to nearly 50 years behind bars and wished he could have ordered more, now sees him as proof that people can change.

"We exchanged letters, and I was just impressed," Hansher told the Milwaukee Journal Sentinel. "If rehabilitation is the goal of prison, he's been rehabilitated, and we're warehousing him at the moment."

But Hansher's letters in support of Whiteside's release on parole were of no help. In fact, they had the opposite effect.

When Whiteside's girlfriend sent a copy of one of the letters to the parole board, Commissioner William Francis promptly filed a complaint with prison officials, accusing Whiteside of forgery. He was sent to [solitary confinement](#) for three days while the allegations were investigated.

Whiteside said his June parole hearing with Francis was perhaps the worst moment of his two-decade incarceration.

"Even with the support letters I had, it made absolutely no difference," Whiteside said in a phone interview after his release from solitary. "He asked me what happened at sentencing. He went back and said since Judge Hansher made those comments on the record way back then — and whether these letters were legitimate or not — he was going to go by what was said at sentencing."

A recording of the meeting obtained by the Journal Sentinel confirmed Whiteside's statements.

Francis could not be reached.

Department of Corrections spokeswoman Joy Staab, who also is responsible for the parole board's media relations, said the temporary change in Whiteside's prison housing was "a non-punitive status" and that Whiteside was released from segregation "once the documents were authenticated."

Like the parole commissioners before him, Francis gave Whiteside no indication of when he might be released on parole and no road map of what he could do to help his chances. Francis simply decided Whiteside's request for release would be considered again in a year.

Parole Commissioner Steven Landreman has said commissioners rarely decide to release someone on the spot, and they never set a specific future date for release.

His statements came during a Feb. 19 meeting between officials from the parole board and the Corrections Department and a group of faith leaders and activists known as WISDOM, an audio recording of which was obtained by the Journal Sentinel.

"I can't just come into a hearing and tell an inmate, 'Well, you've got two more years to do. We'll let you out in two years.' That's not how it works," Landreman said at the meeting. "There's a lot of factors in considering how much time an individual needs to do based on all of the factors with that inmate and his situation."

Another roadblock Whiteside faces is that he must complete a substance abuse treatment program before he can be released. But an internal program review committee at each prison decides which inmates to enroll in counseling.

The number of inmates who need treatment far outweighs the number of spots available, and truth-in-sentencing inmates almost always get priority. As a result, parole-eligible inmates such as Whiteside are constantly shifted to the back of the line.

"I don't know how many different ways they can say, 'Not now, but we're not going to tell you when,'" Whiteside said. "You think you're making some inroads, doing better, getting closer, and then they basically pull the rug out from under you."

Urness, during his five years in custody, saw Whiteside and other inmates sentenced under the old law return from their parole hearings with the same sense of hopelessness.

"I'd see grown guys coming back bawling," he said. "It's a huge mind game. Truth in sentencing sucks, because you didn't have a chance to get out early, but you knew when the day came, you're done. You're out the door. With these guys under parole, they don't know."

Not discouraged

Whiteside, now 39 and already nicknamed "Old School," said he refuses to remain discouraged for long. He, too, has a deep need to help other young men avoid the pain he caused. If he can't do it back home in Milwaukee, he'll do what he can for guys like Urness who join him behind bars.

"I have a legacy, or a ripple effect, from what I did, and I can't change that," Whiteside said. "It makes me want to do everything I can to say, 'I'm not the person who is selfish anymore.' I don't have that chip on my shoulder or that attitude. That guy grew up. This guy realizes my choices impact people I don't even know."

Whiteside, who had some behavior problems in prison early on, credits the 22 months he spent in the Cognitive Group Intervention Program with helping him change his thinking. The program's goal is to teach inmates how to make better choices and to empathize with their victims.

After finishing his session, Whiteside helped start a program in which participating inmates could continue to support each other.

In 2007, Whiteside became eligible for parole.

A year later, an evaluator from Manitoba House, a community-based residential treatment facility, offered him a bed, saying he was "unlikely to reoffend if monitored and treated in an intensive fashion."

"The offense of which Mr. Whiteside was convicted is directly linked to his addiction," the report says. "This serious misconduct certainly demands punishment, but also calls for a disposition that recognizes Mr. Whiteside's positive growth and redirection since the offense occurred."

Research shows the likelihood of committing a violent crime decreases dramatically after people reach their mid-20s. More than 99% of the men awaiting parole in Wisconsin are 30 or older.

Whiteside was 33 when the Manitoba House evaluation was done. By then, in addition to completing the cognitive intervention program, he had earned a high school equivalency degree and 30 college credits as well as completing programs in anger management and domestic violence prevention, among others.

"It would seem that Mr. Whiteside has finally reached an age and maturity level at which he is able to accept the mandate of sobriety (and) make positive changes," the report says.

That was six years ago.

Last month, Whiteside was transferred to the Prairie du Chien Correctional Institution, where he's told there is finally a space in a drug and alcohol counseling program for him.

Urness was released from prison five years ago, at the age of 26.

Some of his victims' loved ones think his sentence was punishment enough, Urness says. But some, he knows, will never believe that.

"In my situation, there are probably people who still wish I was in there from now until eternity," he said.

As for Whiteside, the same dynamic is at play. His aunt, whose 15-year-old son died trapped in the fiery car, has found a way to move forward with the help of anti-depressants and her church, she said in a letter to the parole board.

She has seen the changes in Whiteside and believes he deserves a chance to live out in the world again.

"Ramiah loved my son, Payton Ashford, like his own brother," she wrote. "Ramiah is very loving, caring, respectful, and thoughtful. I know he never meant for any of this to happen or turn out this way. I know he has suffered a great deal also."

But for Paula Kirk, whose uncle, Roger, was struck by the stolen Cadillac and killed while waiting for a bus that would bring him home from work, it's not that simple.

"He should not be able to enjoy his life and move on, because he took so many innocent people," Kirk, 52, said of Whiteside. "I had to take my path through my church and I forgave him because God said I should, but I don't want him roaming the streets."

Perhaps Whiteside could help people on the outside, she mused, mentoring young black men from her neighborhood to keep them out of jail. But she doubts he or anyone in his situation could overcome the virtually insurmountable obstacles to achieving that goal.

"Even if you served all your time and got out, you want to get a job now and live your life decent, but people don't let you. This society we have is constantly judging people. If you won't let the person go straight because you're still judging them about their prison record, they go back and do what they did before. They have no reason to do good," she said.

"If he wants to do good, he should do it in prison."

David Liners, director of WISDOM, believes it's society's obligation to give prisoners who have been truly rehabilitated the opportunity to prove themselves back home.

"At what point is a sentence doing more harm than good?" he asked. "It's the American ideal: You've paid your debt to society, now you can start over. But it seems in many cases, we've lost sight of that fact."