

STATE OF RHODE ISLAND

NEWPORT, SC.

SUPERIOR COURT

STATE OF RHODE ISLAND

V.

KEVIN FORD

:  
:  
:  
:  
:

C.A. No. N1-2023-0173A

**MEMORANDUM AND ORDER FOR DISABILITY ACCOMMODATIONS**

Defendant in the above-captioned matter has entered a number of *pro se* filings requesting, *inter alia*, certain accommodations for particular disabilities he allegedly suffers from.

**Accommodations**

Specifically, in an April 17, 2025 filing, Defendant asserts he has been diagnosed by a certain Christine Ramsay, Ph.D. of the Veteran’s Administration in Portland, Maine with Autism and “Situational Mutism.”<sup>1</sup> Defendant further asserts in a June 3, 2025 filing that he needs to communicate in open court by “typing” and using “disabled person technology” in order to meaningfully attend and participate in any court hearing or trial. In a July 9, 2025 filing, Defendant further expounded, “I’m autistic [and] mute. I need typing and autistic interpreter. I don’t understand most spoken language. Need to see written language to understand fully.” Most

---

<sup>1</sup> Situational mutism, often called selective mutism, is a severe anxiety disorder where individuals, typically children, cannot speak in specific social situations (e.g., school, public) despite speaking comfortably in others (e.g., at home). It is not a choice, but a freezing response driven by intense fear, often accompanied by a blank expression, stiff posture, and reliance on nonverbal communication. Situational mutism is listed and described in the Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> Edition, (DSM-5) published by the American Psychiatric Association (APA). DSM-5 and earlier versions have been generally recognized as authoritative in previous decisions of the Rhode Island Supreme Court (citations omitted here). Situational mutism, in the DSM-5, is officially named Selective Mutism (code 312.23). It is classified under Anxiety Disorders.

recently, in a March 5, 2026 filing, Defendant reiterated Dr. Ramsay's diagnosis and indicated, "I request court-provided interpretation & communication tools to help me understand all court events."

### **Competency is not in Dispute, but Disabilities are Noted in Evaluations**

The Court has also reviewed certain forensic evaluations relative to Defendant's competency to stand trial. Those evaluations were performed by the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals. (BHDDH). Two different evaluations were performed. One is dated January 22, 2024 and the second is dated July 2, 2025. In the January 22, 2024 evaluation, the report notes that Defendant "reports diagnoses of autism and situational mutism (p. 7) by Dr. Ramsay (*id.* at 8) and indicates Defendant's medical provider, Mr. David Sasso, actually spoke to Dr. Ramsay, who "endorsed Mr. Ford's diagnosis of selective mutism and autism spectrum disorder." *Id.* at 10. That report concluded Defendant was mentally competent to stand trial. He was acknowledged as "non-verbal," but he does not "exhibit any symptoms or signs of serious mental illness or cognitive limitations that would impair his ability to participate in his defense and assist counsel." *Id.* at 16.

Defendant was later referred by a different public defender, before a different hearing justice, for another forensic competency evaluation. The report of that evaluation is dated July 2, 2025. That report reiterates previous notations of "elective mutism" and "self-diagnosed autism" (p. 4 and 6) and noted he was seen by a mental health provider on April 3, 2025, February 18, 2025, and January 30, 2025, and other than noting paranoia around security, no mental health symptoms were noted. *Id.* at 4-5. While noting his limitations, the evaluation specifically notes, "[d]espite these limitations, Mr. Ford demonstrates intact reasoning, awareness of his legal circumstances, and the capacity to meaningfully engage with the court process through alternative

forms of communication.” *Id.* at 9. The evaluation further notes that Defendant is “highly organized and attentive to the details of his case.” *Id.* at 13. .

### **Request for Exculpatory Evidence and Order Against ACI**

Defendant has further requested in his March 5, 2026 filing that the Court order the former prosecutor to “give me all exculpatory evidence in RIAG possession,” and “order ACI to either (A) keep on file all papers, including napkins and toilet paper notes taken from my cell(s) or (B) to take no more paper from my cell(s).” In its review of the contents of Defendant’s court file, the Court is aware that on December 28, 2023, the original public defender representing the Defendant filed a Motion for Discovery and Inspection. A review of that motion reveals that there is no specific request for exculpatory information. That is of no moment. Under the well-established law as enunciated in *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, the state is under a duty to produce exculpatory evidence to an accused whether the accused asks for it or not. The duty of the state to produce evidence favorable to the accused is grounded in the guarantee of due process in a criminal trial and imposes an obligation on the prosecution to produce evidence that is “material either to guilt or punishment,” even in the absence of a request by the accused. *Cronan ex rel. State v. Cronan*, 774 A.2d 866, 880 (R.I. 2001) (quoting *Brady*, 373 U.S. at 87.) The duty to disclose can encompass impeaching material as well as exculpatory evidence. *United States v. Bagley*, 473 U.S. 667, 676 (1985). See *State v Chalk*, 816 A.2d 413, 418 (R.I. 2002).

### **Request for Scheduled Time with Defense Counsel**

Defendant additionally asserts in his March 5, 2026 filing, “I will need defense counsel (who zealously complies with RPC) to visit me for at least 3 hours weekly for at least 12 months to adequately prepare for trial.”

The above-captioned matter came before the Court on April 7, 2026, after Defendant filed the above-referenced *pro se* Motion on March 5, 2026 containing requests for certain accommodations for disabilities that he claims affect him during the pendency of the above-captioned matter, along with other requests as set forth with specificity above. The Court, after reviewing Defendant's filing, and after consultation with counsel, the Rhode Island Department of Corrections, and court personnel having familiarity with requirements of the Americans with Disability Act, (ADA) enters the following Order for Disability Accommodations and other such requests.

It is therefore:

**ORDERED, ADJUDGED AND DECREED**

1. The Court accepts Defendant's representations as to diagnoses of Autism and Selective Mutism. There is at least some corroboration of such in the records reviewed by the Court.
2. Defendant shall be afforded certain accommodations while present in the courtroom, as related to this case.
3. Those accommodations are:
  - a. Judiciary Laptop: On the days of Mr. Ford's scheduled appearances, the Supreme Court Americans with Disabilities Act Office (ADA Office) will have a representative bring a Judiciary laptop for Mr. Ford to use. The ADA Office representative will retrieve the Judiciary laptop after the matter has concluded for the day. The laptop cannot leave the building. Advance notice of court matters where Mr. Ford will be present is required. Advance notice can be provided by the clerk or the Defendant's attorney.
  - b. Communication through CART and Webex: The ADA Office will secure a Communication Access Realtime Translation (CART) service provider for Mr. Ford. The CART provider will appear remotely and therefore will need to connect to the laptop via Webex. A Webex link will need to be issued for the CART provider and the Judiciary laptop. Upon connection, the Defendant will see a live transcription of what transpires in the courtroom. In addition, the Defendant will be able to communicate his thoughts through the chat function of Webex. Advance notice to the ADA Office by email at: [ada@courts.ri.gov](mailto:ada@courts.ri.gov) of all court matters where Mr. Ford will

be present is required. Advance notice can be provided by the clerk or the Defendant's attorney.

c. The Judiciary laptop will simply be used as a communication tool. Defendant shall not store any information on the Judiciary laptop. Communication through Webex will not be stored. A transcript from the CART provider is created however the Court does not keep this information as it is not the official transcript for the Court. Communication with his attorney can take place in a simple word document. The Court strongly recommends that this be cleared before the computer is returned each time.

d. The Court respectfully suggests Defendant and counsel use a separate platform such as Microsoft Word for communication to ensure privileged communication remains privileged.

e. If a word document is used to communicate with counsel, that document will not be accessible to anyone other than the attorney and Defendant. The Court reiterates that such a document, if used, should be cleared out by the Defendant at the end of the day's proceeding. (Simply delete the contents on the page.)

f. The same Judiciary laptop will be used for all proceedings unless swapped by JTech for technical reasons. The identifying number of the Judiciary laptop shall be disclosed on the record on the first day of its use. Any change in laptop will be recorded on the record with an explanation as to reasons for change.

g. The ADA Office shall have custody of the Judiciary laptop at all times when it is not in use in open court. Neither the Court, JTech personnel, any other court personnel, nor any other person or entity shall access the Judiciary laptop, its contents, or any other digital footprint therein, however described, without express permission of the Defendant, given in open court after an on the record inquiry by the judicial officer presiding. No evidence resulting from an unauthorized access of the Judiciary laptop shall be admitted, entered, or otherwise used against Defendant in the instant proceeding.

h. Defendant and his attorney, at all times, both in and out of court, remain free to communicate in any and all ways traditionally recognized and allowed by trial courts in this jurisdiction without the need to obtain the express permission of the court. The intent of the instant Order is to provide, on behalf of the Defendant, as a court user, a reasonable accommodation for the Defendant given his specific requests.

4. Defense counsel shall immediately notify the Court if any specific accommodation becomes unworkable and the Court shall address the concerns at that time.
5. Regarding Defendant's request for exculpatory evidence, the State is ordered to turn over all exculpatory evidence that it is aware of to the Defendant.

6. Regarding Defendant's request for an order directing the "ACI to either (A) keep on file all papers, including napkins and toilet paper notes taken from my cell(s) or (B) to take no more paper from my cell(s)." The ACI represents it will keep all papers, including napkins and toilet paper notes taken from Defendant's cell. Given that representation accommodates Defendant's request exactly, and given that Defendant's request does not amount to a program, service, or benefit, and given Defendant's custody, there is no need to formalize an order. Defendant's request is hereby **DENIED**.
7. Regarding Defendant's assertion that, "I will need defense counsel (who zealously complies with RPC) to visit me for at least 3 hours weekly for at least 12 months to adequately prepare for trial:" The law entrusts defense counsel with the strategic decisions regarding the management of their caseload, including how much time is necessary to prepare for a specific case. A rigid, court-mandated time requirement interferes with the professional judgment of counsel in preparing a defense, which may involve extensive investigation, legal research, or reviewing discovery that does not require the physical presence of the client. In addition to noting the extreme difficulty of managing any order along these lines, the Court notes that the necessity of consultation varies based on the complexity of the case, the amount of evidence, and the legal issues involved. A universal time requirement is impractical and does not recognize that many cases proceed efficiently without constant consultation. After considering the request/motion and argument, the Court finds that while the Sixth Amendment guarantees the right to effective assistance of counsel, it does not dictate the specific methodology, frequency, or duration of attorney-client consultations. Therefore, the specific request/motion, in that regard, is hereby **DENIED**.

8. While the Court declines to impose a minimum time requirement, counsel is reminded of their ongoing duty to keep the client reasonably informed about the status of the matter and to promptly comply with reasonable requests for information.

ENTERED as an Order of this Court on this 7 day of APRIL, 2026.

ENTER:

---

William E. Carnes  
Associate Justice