STATE OF RHODE ISLAND

PROVIDENCE, SC. **SUPERIOR COURT**

(FILED: August 19, 2025)

IN RE: ALAN D. SAMPSON : C.A. No. PM-2024-03751

DECISION

GIBNEY, P.J. Before this Court for decision is the State of Rhode Island's (the State) Motion to Dismiss Alan D. Sampson's (Petitioner) petition for compensation for his wrongful conviction and imprisonment. Jurisdiction is pursuant to G.L. 1956 § 12-33-3.

I

Facts and Travel

On June 28, 2003, Petitioner was arrested and charged with one count of attempted larceny over $500 (Count 1) and one count of misdemeanor manipulation of a vehicle (Count 2) in *State of Rhode Island v. Sampson*, No. W2-2003-0295A. (First Am. Pet. for Compensation for Wrongful Conviction and Imprisonment (Am. Pet.) ¶¶ 22, 23.) Earlier that day, Petitioner was in the woods in South Kingstown, Rhode Island, disposing of wooden shingles from his vehicle. *Id.* ¶ 4. Around noon, Jessica Sparfven (Sparfven) drove to a bike path located near the woods. *Id.* ¶ 5. She returned to her car sometime later, and from twenty feet away, she saw someone reaching into the passenger-side window of her car. *Id.* ¶ 6. Sparfven yelled at the man causing him to run away. *Id.* She noticed the face plate of her radio, her purse, her cell phone, and several CDs on the ground outside of her car. *Id.* ¶ 7. Nearby was a screwdriver, which an officer collected and was the only piece of evidence seized for testing. *Id.* ¶ 12. Sparfven described the man to the police as a "'black male, average height (5'10"), thin, wearing a white tank top (no sleeves), red shorts and white sneakers or white shoes.'" *Id.* ¶ 7. The police entered the woods to locate the perpetrator,

and when Petitioner heard sirens, he became frightened, as his license was suspended, and only two days earlier he had been warned by a judge that any charge of operating with a suspended license would result in him receiving a year to serve at the Adult Correctional Institutions (ACI). *Id*. ¶¶ 9-10. As a result, Petitioner distanced himself from his vehicle by entering deeper into the woods. *Id*. ¶ 11. An officer noticed Petitioner's vehicle while it was still running. *Id*. ¶ 12.

Petitioner, of Narragansett Indian descent, was located around 6:50 p.m. wearing no shirt, dark red jean shorts, and black boots. *Id*. ¶¶ 2, 15. He was arrested and informed that if Sparfven failed to identify him as the perpetrator that he would be released. *Id*. ¶ 18. Although she never saw the face of the man breaking into her car, *id*. ¶ 19, she was asked to go to the police station to see if she could identify Petitioner's shorts as matching those worn by the man breaking into her car. *Id*. ¶ 20. She failed to positively identify those shorts because she could not describe the shorts worn by the perpetrator. *Id*. Despite that, Petitioner was charged with the aforementioned counts of misdemeanor manipulation of a vehicle and attempted larceny. *Id*. ¶¶ 21-23.

He was released on bail the following day. *Id* ¶ 22. However, on September 1, 2003, Petitioner was arrested and charged with possession of a controlled substance, in violation of G.L. 1956 § 21-28-4.01(c)(2)(i). *Id*. ¶ 25. He was presented as a bail violator and held at the ACI. *Id*. ¶ 26. Petitioner pled guilty to that matter on October 31, 2003 and was sentenced to thirty-four months, with sixty days to serve, retroactive to September 1, 2003. *Id*. ¶ 27. On the night of his release, he accepted a ride from an acquaintance in a stolen vehicle. *Id*. ¶ 28. The fact that the vehicle was stolen was unknown to Petitioner until the pair were stopped by the police. *Id*. He was then arrested and held in the ACI from November 2, 2003 until December 2, 2003, when prosecutors determined that Petitioner was not involved in the theft of the vehicle, and he was not charged. *Id*. ¶¶ 30, 51. However, Petitioner was declared a bail violator on December 18, 2003,

and he was reincarcerated from that day through the time of his trial in this matter. *Id*. ¶¶ 31-32.

In early February 2004, during the trial, an officer from the North Kingstown Police Department testified that, although he examined the screwdriver located at the scene of the crime for fingerprints, he was unable to successfully lift any prints. *Id*. ¶¶ 16, 33. The same officer further testified that all the items recovered should have been collected and tested but they were not. *Id*. ¶ 16. Additionally, evidence was presented that Sparfven did not see the face of the perpetrator and failed to identify Petitioner. *Id*. ¶¶ 19-20. Nevertheless, on February 5, 2004, Petitioner was convicted in Superior Court on both counts. *See* Sampson's June 29, 2024 Aff. ¶ 1. He was sentenced to prison for ten years on Count 1, with four years to serve and the remaining six years suspended. *See* Judgment of Conviction and Commitment in No. W2-2003-0295A (Judgment of Conviction and Commitment). Additionally, he received a one-year suspended sentence on Count 2, to be served concurrently with Count 1. *See id*. He moved for a new trial on the basis that the State failed to produce evidence that the value of the items in question was at least $500. (Am. Pet. ¶ 33.) The motion was denied. *Id*. ¶¶ 33-34.

Petitioner was released on parole on April 26, 2006. *Id*. ¶ 39. Despite attempting to live a life of sobriety after his release, Petitioner was arrested on September 20, 2006 for possession of a controlled substance. *Id*. ¶ 42. He returned to the ACI. *Id*. On October 24, 2006, Petitioner pled nolo contendere to the charge of possession of a controlled substance and received a three-year suspended sentence. *Id*. ¶ 43. However, he was declared to be a parole violator, and thus remained imprisoned until June 14, 2007. *Id*. ¶ 44.

Shortly after his trial, on May 10, 2004, Petitioner appealed his conviction on both counts. *Id*. ¶ 36. He argued that Sparfven had failed to identify him as the person she saw attempting to

steal items from her vehicle or as the person committing damage to the same. *Id*. ¶ 37(a). He also argued that the State failed to present evidence that the items that were attempted to be stolen were valued at more than $500. *Id*. ¶ 37(b). Eventually, the State conceded that Petitioner's motion for a new trial should have been granted because it failed to present evidence as to the value of the items in question. *Id*. ¶ 46. The State then moved to have Petitioner's Count 1 conviction vacated. *See* Order of the Rhode Island Supreme Court in No. 04-369-C.A. (Oct. 13, 2010) (hereinafter Supreme Court Order). Petitioner dropped his appeal for his Count 2 conviction "[f]or reasons of judicial economy and expedient resolution of the felony conviction[.]" (Am. Pet. ¶ 47.) On October 13, 2010, after reviewing the record in the case, the Supreme Court accepted the State's concession of error and vacated Petitioner's conviction as to Count 1. *See* Supreme Court Order.

On June 29, 2024, Petitioner filed his initial Petition for Compensation for Wrongful Conviction and Imprisonment in the instant case. *See generally*, Pet. for Compensation for Wrongful Conviction and Imprisonment. The State waived service and received two extensions to answer the petition, ultimately being required to file a responsive pleading by October 30, 2024. *See* Docket. At an October 8, 2024 conference in chambers, Petitioner, through his counsel, indicated a plan to file an amended petition. *See In re: Alan D. Sampson*, No. PM-2024-03751, 2025 WL 1039136 (R.I. Super. Apr. 1, 2025) (hereinafter, *Sampson II*). The Court advised Petitioner's counsel that she could file the amended petition by right, *id*., however, on October 17, 2024, Petitioner filed a motion requesting leave to amend. *See* Docket. The State did not file a responsive pleading by the October 30, 2024 deadline. As a result, this Court granted the petition on December 6, 2024. *See In re: Alan D. Sampson*, No. PM-2024-03751, 2024 WL 5047397 (R.I. Super. Dec. 6, 2024) (hereinafter, *Sampson I*).

On January 3, 2025, the State filed a motion to reconsider the decision; subsequently, both Petitioner and the State filed briefs arguing their respective positions. *See* Docket. It became clear to the Court that the State's failure to respond came from a miscommunication between the parties and the Court on whether the Amended Petition was operative as there was no order entered granting it; additionally, e-mails between the parties indicated that Petitioner would not seek to hold the State in default until the motion to amend was resolved. *See Sampson II*. Due to those miscommunications, on April 1, 2025 the Court vacated its previous decision granting Petitioner relief, granted the motion to amend, and ordered the State to answer the Amended Petition in ten days. *Id*. The State then responded with the instant motion to dismiss on April 11, 2025. The Court has been fully briefed and has allowed the parties to present oral arguments on the matter. It is now ripe for adjudication.

II

Standard of Review

"'The sole function of a motion to dismiss is to test the sufficiency of the complaint.'" *EDC Investment, LLC v. UTGR, Inc.*, 275 A.3d 537, 542 (R.I. 2022) (quoting *Pontarelli v. Rhode Island Department of Elementary and Secondary Education*, 176 A.3d 472, 476 (R.I. 2018)). In ruling on a motion to dismiss, the trial justice is "confined to the four corners of the complaint and must assume all allegations are true, resolving any doubts in plaintiff's favor." *Narragansett Electric Co. v. Minardi*, 21 A.3d 274, 278 (R.I. 2011). "A Rule 12(b)(6) motion 'does not deal with the likelihood of success on the merits, but rather with the viability of a plaintiff's bare-bones allegations and claims as they are set forth in the complaint.'" *Ferreira v. Child and Family Services*, 222 A.3d 69, 75 (R.I. 2019) (quoting *Hyatt v. Village House Convalescent Home, Inc.*, 880 A.2d 821, 823-24 (R.I. 2005)). "'A motion to dismiss may be granted only when it is

established beyond a reasonable doubt that a party would not be entitled to relief from the defendant under any set of conceivable facts that could be proven in support of its claim.'" *Chase v. Nationwide Mutual Fire Insurance Company*, 160 A.3d 970, 973 (R.I. 2017) (quoting *Tri-Town Construction Co. v. Commerce Park Associates 12, LLC*, 139 A.3d 467, 478 (R.I. 2016)).

In line with the federal government and several other legislatures across the United States, our General Assembly has created a cause of action allowing "innocent persons who have been wrongfully convicted of crimes through no fault of their own" to seek compensation for being wrongfully imprisoned. Section 12-33-1(a); *see Terzian v. Magaziner*, No. PM-2021-07092, 2023 WL 1982669, at *3 (R.I. Super. Feb. 7, 2023). Such a claim requires the petitioner to provide the court with "a verified petition accompanied by documentary evidence establishing the enumerated elements of an actionable claim for compensation." *Terzian*, 2023 WL 1982669, at *2 (citing § 12-33-2(a)-(b)). Those elements include: "1) conviction; 2) sentence of imprisonment exceeding one year; 3) actual imprisonment; 4) vacatur of conviction for reasons other than ineffective assistance [of counsel] and 'on grounds not inconsistent with innocence'; 5) dismissal of the accusatory instrument 'on grounds not inconsistent with innocence'; and 6) filing of the claim within the time limitations of § 12-33-7." *Id*. at *4.

III

Analysis

As an initial matter, Petitioner brought his claim on June 29, 2024, which falls within the three-year window provided by the General Assembly to bring such a claim. *See* § 12-33-7; *see also* Docket. Additionally, he has provided evidence that he was in fact charged and convicted of both Counts 1 and 2 in the matter of *State of Rhode Island v. Sampson*, No. W2-2003-0295A, and that he was imprisoned as a result. *See* Sampson Aff. at 1; *see also* Judgment of Conviction and

Commitment. Further, Petitioner's conviction as to Count 1 was vacated by the Supreme Court of Rhode Island on October 13, 2010. *See* Supreme Court Order.

However, Petitioner's Count 2 conviction—misdemeanor manipulation of a motor vehicle—remains undisturbed. He elected to forgo having the Supreme Court hear his appeal on that count "[f]or reasons of judicial economy and expedient resolution of the felony conviction" because the State conceded there was insufficient evidence to convict on his Count 1 charge. (Am. Pet. ¶ 47.) Facing the choice between the guarantee of having the felony conviction vacated from his record while the misdemeanor conviction remained or risk potentially having our Supreme Court affirm both convictions, Petitioner made a decision by choosing the former.

Section 12-33-2(a)(2)(iv) requires that a claimant must show "[t]he accusatory instrument was dismissed" by "documentary evidence" to present an actionable claim. "'It is well settled that when the language of a statute is clear and unambiguous, this Court must interpret the statute literally and must give the words of the statute their plain and ordinary meanings.'" *Sosa v. City of Woonsocket*, 297 A.3d 120, 124 (R.I. 2023) (quoting *Epic Enterprises LLC v. Bard Group, LLC*, 186 A.3d 587, 590 (R.I. 2018)). As a result, this Court notes that Petitioner's instrument was not dismissed, as his Count 2 charge remains, and he fails to satisfy the requirements of § 12-33-2. Further, § 12-33-4(a)(2) provides that a claimant must prove that he or she "did not commit any of the crimes charged in the accusatory instrument," not that he or she *did not commit any of the crimes which impose a sentence of actual incarceration charged in the accusatory instrument*. The plain language of the statute does not carve out an exception for a remaining charge that does not carry a term of imprisonment; it clearly states the entire instrument be dismissed.

This Court has previously held that a claimant has the "burden of proving his or her legal innocence—such as by . . . seeking postconviction relief—before compensation may be sought." *Atryzek v. State*, No. PC-2022-06124, 2024 WL 5222714, at *3 (R.I. Super. Dec. 18, 2024) (citing *Terzian*, 2023 WL 1982669, at *8). Although Petitioner chose to forgo his appeal relative to his Count 2 charge, he had the ability to file a petition for postconviction relief to obtain documentary evidence of legal innocence. G.L. 1956 § 10-9.1-1 provides that:

> "[Postconviction relief] is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct review of the sentence or conviction. Except as otherwise provided in this chapter, it comprehends and takes the place of all other common law, statutory, or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used *exclusively* in place of them." Section 10-9.1-1(b) (emphasis added).

Thus, it is clear that the General Assembly intended for a petition for postconviction relief to be the only remedy available to those convicted of crimes who seek relief from such a conviction, other than by traditional means of appealing errors which occurred during their trials. *Id*. Such relief would provide a claimant with documentary evidence of legal, and factual, innocence. Further, it is also clear that the General Assembly did not intend for a petition for compensation for wrongful conviction and incarceration to be a substitute to a petition for postconviction relief, which is evidenced by documentary evidence of legal innocence being a prerequisite. At oral argument it was represented that Petitioner did not wish to file for postconviction relief on his Count 2 conviction. It is Petitioner's absolute right to decide whether to pursue that claim; however, choosing not to do so prevents him from receiving the documentary evidence required to pursue the instant petition.

In *Terzian*, this Court adopted the rationale provided in *Olsen v. Correiro*, 189 F.3d 52 (1st Cir. 1999), which is equally applicable here. In *Olsen*, the claimant had a former murder conviction

vacated, but then pled nolo contendere to a lesser-included offense of manslaughter and was sentenced to time served. *Olsen,* 189 F.3d at 67. The First Circuit held the claimant was not entitled to incarceration related damages because it would "undermine the availability of nolo pleas." *Id*. at 69. That court stated, "[a]s is demonstrated in this case, nolo pleas are of benefit to defendants: Olsen avoided a trial, a possible conviction, and the potential for additional imprisonment. Ensuring the continuing availability of nolo pleas requires that we not allow Olsen to avoid the full force and effect of his plea." *Id*. Otherwise, "[f]aced with the prospect of continuing litigation and a possible damages award, prosecutors will not agree to nolo pleas, making such pleas less available to defendants." *Id*.

Likewise, Petitioner decided to forgo his appeal of his Count 2 conviction to avoid having both the Count 1 and Count 2 convictions potentially affirmed. However, prosecutors may be less likely to stipulate to errors on appeal if it could lead to a possible award for compensation for wrongful conviction and imprisonment. Encouraging such resolutions between prosecutors and defendant appellees not only better serves judicial efficiency but also allows defendant appellees to reach speedy and favorable outcomes for meritorious claims on appeal; as was the case here, Petitioner successfully had his felony conviction vacated in an expeditious manner. It could be argued, on the other hand, that prosecutors may now be unwilling to resolve appeals in their entirety by only agreeing to vacate more serious convictions while insisting less consequential ones remain. Doing so would stymie a potential claim for compensation for wrongful conviction and imprisonment. However, the General Assembly determined that it is a risk it is willing to take when it required a claimant to show legal innocence by documentary evidence. *See Scientific Products v. Cyto Medical Laboratory, Inc.*, 457 F. Supp. 1373, 1380 (D. Conn. 1978) ("Unless the courts are to become super-legislators, the elected legislators must be permitted to make that

judgment."). In any event, a criminal appellee always retains the right to have his or her appeal fully heard, and, if successful and legal innocence has been established, he or she can then seek compensation.

Finally, Petitioner urges the Court to not stray from its previous reasoning when it had granted relief to Petitioner in *Sampson I*.[1] However, the Court vacated that decision because it determined that justice required the State be provided an opportunity to be heard in these proceedings given the specific factual circumstances presented in the progression of this case, and the arguments raised by the State subsequently must therefore be considered anew for that decision to be meaningful. *See Sampson II*. Given that opportunity, the State has now persuaded the Court that the petition must be dismissed for the foregoing reasons, and as *Sampson I* was vacated it has neither any preclusive nor persuasive effect in the disposition of this motion.

IV

Conclusion

For the foregoing reasons, the State's Motion to Dismiss is **GRANTED**. Petitioner is unable to show legal innocence by way of documentary evidence as required by statute. Counsel shall submit the appropriate order for entry.

[1] Petitioner also contends that this motion should be converted to a motion for summary judgment because the State has included a previous order on Petitioner's motion for a new trial in the underlying criminal action. Although that document was sufficiently referenced in Petitioner's Amended Petition, (Am. Pet. ¶ 34), the Court does not rely on it in coming to this decision and therefore has excluded it.

RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE:	**In Re: Alan D. Sampson**
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COURT:	**Providence County Superior Court**
DATE DECISION FILED:	**August 19, 2025**
JUSTICE/MAGISTRATE:	**Gibney, P.J.**

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