

**Supreme Court**

No. 2023-271-Appeal.  
(N 21-2286)

Peter Marcucci :

v. :

Jennifer Marcucci. :

**O R D E R**

The plaintiff, Peter Marcucci, appeals from a final judgment of divorce, entered on July 13, 2023, relative to his divorce from the defendant, Jennifer Marcucci.<sup>1</sup> The plaintiff contends that paragraph 11 of the final judgment of divorce<sup>2</sup> is in violation of the Rhode Island Constitution as well as several Rhode Island statutes and a federal statute; and he also contends that said paragraph is against “public policy.”

This case came before the Supreme Court pursuant to an order directing the parties to appear and show cause why the issues raised in this appeal should not be summarily decided. After considering the written and oral submissions of the parties and after carefully reviewing the record, we conclude that cause has not been shown

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<sup>1</sup> It should be noted that both parties were self-represented in this Court.

<sup>2</sup> Paragraph 11 of the divorce decree reads as follows: “The Plaintiff has agreed that as part of the resolution of this matter he will not prosecute any civil or criminal claims that he currently may have against the Defendant, and he waives any right that he may have to restitution in the pending criminal matter.”

and that this case may be decided without further briefing or argument. For the reasons set forth herein, we deny and dismiss plaintiff's appeal.

On September 15, 2022, a decision pending entry of final judgment was rendered by a justice of the Family Court. On October 18, 2022, defendant moved for entry of the decision pending entry of final judgment. That motion was granted in an order entered on January 3, 2023.

Several months later, on July 13, 2023, the final judgment of divorce was entered by the same justice of the Family Court. The plaintiff appealed from that final judgment of divorce on July 31, 2023. It is noteworthy that plaintiff's statement to this Court, filed in accordance with Article I, Rule 12A of the Supreme Court Rules of Appellate Procedure, states that "the order dated July 13, 2023 \* \* \* is the subject of [his] appeal."

The relevant statute is G.L. 1956 § 14-1-52(a), which provides in pertinent part:

"A decision granting a divorce shall be appealable upon entry and, except as otherwise provided by law, the correctness of the decision shall not be reviewable upon an appeal from a final decree for divorce entered in pursuance of § 15-5-23."

This Court has further made clear that "[a] party who contests a divorce must file his or her appeal *within twenty days of the decision pending entry of final judgment*, which is rendered by the trial justice after a hearing. \* \* \* Therefore, if a

party wishes to appeal a divorce, he or she must do so within twenty days of the decision pending entry of final judgment and not from the date the final decree is entered.” *Craveiro v. Craveiro*, 773 A.2d 896, 898-99 (R.I. 2001) (emphasis added); *see also Bina v. Bina*, 764 A.2d 191, 192 (R.I. 2000) (mem.); Article I, Rule 4(a) of the Supreme Court Rules of Appellate Procedure.

It is undisputed that the plaintiff has appealed from the final judgment of divorce, and he has expressly indicated that the July 13, 2023 final judgment was the subject of his appeal. He did not appeal from the decision pending entry of final judgment. Therefore, in view of the authorities cited above, the plaintiff’s appeal is time-barred and is not properly before us.

Accordingly, the plaintiff’s appeal is denied and dismissed, and we need not reach the substance of his appeal.

Entered as an Order of this Court this 3rd day of March 2025.

By Order,

/s/ Meredith A. Benoit, Clerk

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Clerk



**STATE OF RHODE ISLAND**  
**SUPREME COURT – CLERK’S OFFICE**  
Licht Judicial Complex  
250 Benefit Street  
Providence, RI 02903

**ORDER COVER SHEET**

<b>Title of Case</b>	Peter Marcucci v. Jennifer Marcucci.	
<b>Case Number</b>	No. 2023-271-Appeal. (N 21-2286)	
<b>Date Order Filed</b>	March 3, 2025	
<b>Justices</b>	Suttell, C.J., Goldberg, Robinson, Lynch Prata, and Long, JJ.	
<b>Source of Appeal</b>	Washington County Family Court	
<b>Judicial Officer from Lower Court</b>	Associate Justice Lauren D’Ambra	
<b>Attorney(s) on Appeal</b>	For Plaintiff:	
	Peter Marcucci, <i>pro se</i>	
	For Defendant:	
	Jennifer Marcucci, <i>pro se</i>	