

STATE OF RHODE ISLAND

PROVIDENCE, SC.

SUPERIOR COURT

(FILED: December 6, 2024)

IN RE: ALAN D. SAMPSON

:

C.A. No. PM-2024-03751

DECISION

GIBNEY, P.J. Before this Court for decision is Petitioner Alan D. Sampson’s (Petitioner) petition for compensation for his wrongful conviction and imprisonment. *See* First Am. Pet. for Compensation for Wrongful Conviction and Imprisonment (Am. Pet.). 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. (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.* 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 was 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 his vehicle while it was still running. *Id.* ¶ 12.

Although multiple people in the area could have matched the description of the person Sparfven described, Petitioner, of Narragansett descent, was located around 6:50 p.m. wearing no shirt, dark red jean shorts, and black boots, and he was arrested. *Id.* ¶¶ 2, 15. Upon his arrest, he was 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 two counts in that matter. *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 as a result. *Id.* ¶ 26. Petitioner pled guilty to that matter on October 31, 2003, and he 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 in that matter 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, Petitioner's trial was held. *Id.* ¶ 33. 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. The same officer further testified that all the items recovered should have been collected and tested but they were not. *Id.* 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* Petitioner's June 29, 2024 Aff. ¶ 1. As a result, 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 dollars. (Am. Pet. ¶ 33.) The motion was denied. *Id.* ¶¶ 33-34.

Eventually, Petitioner was released on parole on April 26, 2006. *Id.* ¶ 39. Unfortunately, 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 once again returned to the ACI. *Id.* On October 24, 2006, Petitioner pled nolo contendere to the charge of possession of a controlled substance, and he received a three-year suspended sentence. *Id.* ¶ 43. However, he was declared to be a parole violator, and, thus, he 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). Additionally, he 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 for purposes of judicial economy. (Am. Pet. ¶ 47.) On October 13, 2010, after reviewing the record in the case, our 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.

II

Standard of Review

In line with the federal government and several other legislatures across the United States, the 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; *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)).

For a petitioner to obtain a judgment in his or her favor, it must be shown first—by a preponderance of the evidence—that the petitioner was convicted of a crime, and, as a result, was sentenced to a term of imprisonment that was served, either partially or completely. Section 12-33-4(a)(1). Next, it must be proven that he or she was pardoned for the crime, or that the judgment of conviction was vacated or reversed for reasons other than the ineffective assistance of counsel and that “the accusatory instrument was dismissed[.]” *Id.* § 12-33-4(a)(1)(i)-(ii). Finally, the petitioner has the burden to prove that he or she “did not commit any of the crimes charged in the accusatory instrument” and that he or she “did not commit or suborn perjury, or fabricate evidence, to cause or bring about” the conviction. *Id.* § 12-33-4(a)(2)-(3).

Should the court find that a petitioner was wrongfully convicted and incarcerated, it will grant an award of \$50,000 for each year the petitioner was wrongfully incarcerated. *Id.* § 12-33-4(b)(1). For terms less than a year, the amount awarded is “prorated to one three hundred sixty fifth’s (1/365) of fifty thousand dollars (\$50,000) for every day served.” *Id.* Such funds are to “be provided by the general treasurer from the general fund.” Section 12-33-5. A successful petitioner will not be compensated for any time spent incarcerated for a wrongful conviction that was being served concurrent to a lawful sentence of conviction for another crime. Section 12-33-4(d). This Court may also grant reasonable attorney’s fees, not to exceed \$15,000. *Id.* § 12-33-4(b)(1)(iii). Any claim for compensation for wrongful conviction and imprisonment where the pardon, vacation, or reversal of the judgment of conviction occurred before June 30, 2021 must be brought within three years of that date. Section 12-33-7.

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.

Although the Count 2 charge—misdemeanor manipulation of a vehicle—remains undisturbed, he has provided evidence that Sparfven could not positively identify him as the perpetrator and that all of the items located at the scene of the crime should have been collected for analysis. (Am. Pet. ¶¶ 16, 19-20.) The state provides no evidence to rebut those claims. Thus, this Court is satisfied, by a preponderance of the evidence based on the record before it, that Petitioner “did not commit any of the crimes charged in the accusatory instrument[.]” *See* § 12-33-4(a)(2). There is also no evidence that he committed perjury or fabricated evidence that led to his conviction. *See* § 12-33-4(a)(3). Therefore, the Court finds that Petitioner is entitled to compensation for his wrongful conviction and imprisonment as described in the First Amended Petition.

Although he was sentenced on two charges of possession of a controlled substance—prior to his trial and after his release on parole—those sentences were suspended, except for the sixty days he was incarcerated beginning on September 1, 2003. (Am. Pet. ¶¶ 27, 43.) Further, while he was also found to be a bail violator when he accepted a ride from an acquaintance in a vehicle that

he did not know was stolen, he was never charged or convicted in that matter. *Id.* ¶¶ 28-32. Thus, he is entitled to receive compensation for the time he spent imprisoned as a bail and parole violator outside of the previously noted sixty-day sentence. *See* § 12-33-4(d) (providing that a successful petitioner will not be compensated for any period of incarceration that was concurrent to a lawful period of incarceration for another crime).

Between his November 2, 2003 arrest, pursuant to his presence in his acquaintance's stolen vehicle, and his December 2, 2003 release, Petitioner spent thirty days incarcerated at the ACI. (Am. Pet. ¶ 51.) From his incarceration as a bail violator, for the same reason, beginning on December 18, 2003, until his April 26, 2006 release on parole for his Count 1 charge, Petitioner served 860 days.¹ *Id.* Additionally, Petitioner was incarcerated as a parole violator on his Count 1 charge for possession of a controlled substance from September 20, 2006 until June 27, 2007, a period of 280 days. *Id.* ¶ 52. In total, Petitioner served 1,170 days—equivalent to three years and seventy-five days—for his wrongful Count 1 conviction, without a concurrent lawful sentence of imprisonment. For those three years, he is awarded \$150,000. *See* § 12-33-4(b)(1). As to the additional seventy-five days, he is awarded \$10,273.97. *See id.* In total, Petitioner is granted \$160,273.97. Further, the Court grants his request for reasonable attorney's fees, not to exceed \$15,000. *See* § 12-33-4(b)(1)(iii).

He also claims he is entitled to compensation for workers' compensation payments that were suspended because of his incarceration at the ACI, along with damages for mental anguish, emotional distress, and loss of time with his family. *See generally* Am. Pet. The General Assembly did not provide this Court with the authority to award such damages via a petition for wrongful

¹ The Court notes that 2004 was a leap year, increasing the length of the year from 365 days to 366 days. *See generally*, *What is a Leap Year?*, NASA, <https://spaceplace.nasa.gov/leap-year/en>.

conviction. *See* G.L. 1956 chapter 33 of title 12. Further, Petitioner provides no evidence of what his workers' compensation payments were. Therefore, the Court does not award him relief upon those claims.

IV

Conclusion

For the foregoing reasons, Petitioner's request for compensation for his wrongful conviction and imprisonment plus attorney's fees is **GRANTED** in the amount of \$160,273.97. His request for relief for his lost workers' compensation payments, mental anguish, emotional distress, and loss of time with his family is **DENIED**. Counsel shall submit the appropriate order for entry.



RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE: Sampson v. State of Rhode Island

CASE NO: PM-2024-03751

COURT: Providence County Superior Court

DATE DECISION FILED: December 6, 2024

JUSTICE/MAGISTRATE: Gibney, P.J.

ATTORNEYS:

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