

STATE OF RHODE ISLAND
PROVIDENCE, SC. SUPERIOR COURT

JOAO NEVES

v.

STATE OF RHODE ISLAND

PM-2022-

APPLICATION FOR POST-CONVICTION RELIEF

INTRODUCTION

This Application for Post-Conviction Relief seeks the immediate release of JOAO NEVES from incarceration at the Adult Correctional Institutions, under the control and custody of the Rhode Island Department of Corrections (RIDOC), to parole supervision as directed by the Rhode Island Parole Board. JOAO NEVES has been incarcerated for more than 22 years. He is now being unlawfully detained despite his eligibility for parole and immediate release to the community under R.I.G.L. §13-8-13(e), hereinafter referred to as “the Youthful Offenders Act” or “the Act,” and his satisfaction of the standards for parole acknowledged in a unanimous decision of the Rhode Island Parole Board to parole him.

NEVES seeks, in the alternative, a determination that he has been and is being adversely affected by RIDOC’s declaration that his sentences must be “disaggregated” for purposes of determining parole eligibility. As a result of RIDOC’s action, the minimum amount of time he must serve in prison before he can first be considered for parole to the community—which should have been 2022 in conformance with Rhode Island law (prior to passage of the Youthful Offender Act) —has effectively been increased an additional two or more years until December 2024.

All of these actions are due to the arbitrary, unlawful, and unconstitutional actions of RIDOC and the acquiescence of the Rhode Island Parole Board in a miscarriage of justice and an unlawful assertion of authority.

Your Applicant states as follows:

I. Facts applicable to Applicant

1. JOAO NEVES is a prisoner presently in the custody of the Rhode Island Department of Corrections (RIDOC).
2. JOAO NEVES is confined at the Adult Correctional Institutions, Cranston, Rhode Island.
3. JOAO NEVES is held by the State of Rhode Island.
4. JOAO NEVES is incarcerated following his conviction in *State v. JOAO NEVES*, cases number P1-2000-0180A, P1-2000-0539A through -P1-2000-0543A in the Superior Court of the State of Rhode Island.
 - a. JOAO NEVES was sentenced on February 4, 2000, to life imprisonment based upon his conviction for murder in the first degree in P1-2000-0180A. He was also sentenced on February 4, 2000, in five separate cases, P1-2000-0539A through P1-2000-0543A, to five sentences of ten years each for robbery and assault with intent to commit robbery, with the ten-year sentences to be served concurrent to each other and consecutive to the life sentence.
 - b. The crimes of which NEVES was convicted and sentenced were committed on various dates between January 8-15, 1999.
 - c. The Judgment of Conviction is attached hereto and incorporated herein as Exhibit 1.
 - d. The Stipulation crediting time served retroactive to March 2, 1999, is attached hereto and incorporated herein as Exhibit 2.

5. JOAO NEVES pled guilty to each of the offenses for which he is sentenced and incarcerated.
6. JOAO NEVES has exhausted all state appellate remedies available to him pursuant to the Rhode Island Rules of Criminal Procedure and its statutory and constitutional provisions.
7. The Superior Court has jurisdiction to hear the within Application pursuant to R.I.G.L. §§ 10-9.1-1, 10-9.1-2, *et seq.*
8. JOAO NEVES was born on August 25, 1982. At the time JOAO NEVES committed the aforesaid offenses, he was approximately 16.5 years old.
9. JOAO NEVES is now 39 years old. He has been incarcerated his entire adult life.
10. JOAO NEVES, serving a life sentence and a 10-year consecutive sentence, is among those prisoners who can be considered for parole.
11. On August 21, 2019, the Parole Board first considered and unanimously approved NEVES for parole from his life sentence to begin serving his consecutive 10-year sentence two years later, commencing in August 2021. The Board's minutes of its consideration of NEVES are attached hereto and incorporated herein as Exhibit 3.
12. On August 23, 2021, the Parole Board met to consider the terms of NEVES' parole which it had approved in 2019 and confirmed NEVES' satisfaction of the standards for parole. NEVES, although "on parole" from his life sentence, remains in prison serving his consecutive sentence of 10 years. Exhibit 3.

II. The requirements of parole eligibility are prescribed by statute.

13. Parole eligibility is prescribed by statute.

14. Parole is an essential part of the Rhode Island criminal justice system. It offers an incentive to inmates to rehabilitate themselves with a goal of becoming contributing and productive members of society.
15. Any prison sentence (excluding sentences of life without parole) imposed in the state courts of Rhode Island that exceeds six months “shall be subject to the parole board[.]” R.I.G.L. § 13-8-8. The Parole Board chairperson and Parole Board members are appointed by the Governor of Rhode Island. See R.I.G.L. §§ 13-8-1 and 13-8-3.
16. Under Rhode Island law, R.I.G.L. § 13-8-13(a)(3), an inmate sentenced to life imprisonment for first degree murder committed after June 30, 1995, and before July 1, 2015, is considered eligible for parole after serving twenty (20) years of that sentence.
17. Under Rhode Island law, R.I.G.L. § 13-8-9 (a), an inmate serving a term of 10 years (120 months) is considered to be eligible for parole after serving one third (1/3) of the sentence, or three years and four months (40 months).
18. R.I.G.L. § 13-8-10 specifically provides that when a prisoner is serving more than one sentence, “a parole permit may issue whenever he or she has served a term equal to one third (1/3) *of the aggregate time* which he or she shall be liable to serve under his or her several sentences.” (Emphasis added).
19. Rhode Island’s statutory scheme for parole is set forth in R.I.G.L. chapter 13-8. As set forth in that chapter, the decision of the Parole Board to release an inmate on parole entitles the inmate “to be at liberty during the remainder of his or her term of sentence upon any terms and conditions that the board may prescribe.” R.I.G.L. §13-8-9(a).
20. Among the criteria which the Parole Board is statutorily charged to find as a condition for granting a parole permit is “[t]hat there is a reasonable probability that the prisoner, if

released, would live and remain at liberty without violating the law” and “[t]hat the prisoner can properly assume a role in the city or town in which he or she is to reside.” R.I.G.L. §13-8-14(a)(3), (4).

21. Under Rhode Island’s statutory parole system, release on parole can only mean release—under terms and conditions prescribed by the Parole Board—from the physical custody of RIDOC. “Parole to a consecutive sentence”—which means remaining in prison—is contrary to and not contemplated by Rhode Island’s statutory parole system. It requires the Parole Board to consider mandatory standards for parole that are meaningless in the context of “parole” to continued incarceration by RIDOC, and mandates multiple considerations of parole, to the prejudice of the inmate, the Parole Board, and all members of the community who are required to be notified and entitled to be heard whenever parole is considered.

A. The determination of initial date for parole eligibility.

22. Upon information and belief, at all times material hereto, RIDOC by practice calculates the projected initial parole eligibility date for each person committed to its custody for a sentence in excess of six months and periodically adjusts the calculation to reflect sentence modifications due to additional and/or corrected sentences and/or “good time” adjustments.
23. Upon information and belief, the Parole Board has taken the position that it is bound by determinations of RIDOC as to parole eligibility dates.
24. Upon information and belief, the Parole Board has declined to substitute its judgment concerning parole eligibility dates for that of RIDOC even when RIDOC has taken inconsistent and arbitrary positions thereon.

25. The decision of the Parole Board to rely, without question, upon RIDOC's calculation of "parole eligibility dates" regardless of the mandates of law is an abdication of its exercise of control pursuant to R.I.G.L. §13-8-8 over the sentence of every person convicted and sentenced to be imprisoned at the ACI for a period of more than six months.

B. RIDOC, historically and correctly, determined initial date of parole eligibility by sentence aggregation.

26. Upon information and belief, prior to 2018, it was the practice and policy of RIDOC, pursuant to the requirement to aggregate sentences under R.I.G.L. § 13-8-10, to calculate an initial parole eligibility date by adding the minimum eligibility date of a life sentence to the minimum eligibility date of the consecutive term(s) of years. *See* R.I.G.L. § 13-8-10.
27. Upon information and belief, RIDOC employed sentence aggregation to determine initial parole eligibility date for decades.
28. Upon information and belief, under the requirement to aggregate sentences, JOAO NEVES's sentence required him to serve a total of 23 years 4 months before being eligible for parole (20 years for the controlling life sentence and 40 months for the consecutive ten-year sentence). Attached hereto and incorporated herein as Exhibit 4 is an explanation of the calculation provided to another inmate by the Parole Coordinator in 2015.
29. Upon information and belief, using the aggregated sentence calculation from NEVES' original incarceration and retroactive credit to March 2, 1999, NEVES' initial parole eligibility date would have been in 2022. That RIDOC initially calculated NEVES' parole eligibility date in accordance with sentence aggregation is reflected in RIDOC's inmate "INFACTS" record for NEVES, as of August 2020, attached hereto and incorporated herein as Exhibit 5.

C. RIDOC's redetermination of parole eligibility by disaggregating sentences creates a new category of "parole to a consecutive sentence" contrary to law.

30. Upon information and belief, commencing in or about 2018, RIDOC decided to alter its internal method of calculating parole eligibility dates for inmates serving more than one sentence, where one of the sentences was for life, by "disaggregating" the sentences so as to determine an initial "parole eligibility date" for the "primary" or "controlling" life sentence, and thereby requiring an inmate with consecutive sentences to first be paroled from the controlling life sentence to serve the consecutive sentence, with no possibility of release from incarceration until the inmate has been approved for parole at least twice.
31. Under this altered method of calculating parole eligibility dates, an inmate serving a life sentence would first have to be granted parole under the life sentence, and then be paroled to his consecutive sentence. In order to be considered for release from physical custody of RIDOC, the inmate paroled from his life sentence would then be required to serve the minimum eligibility period of the consecutive sentence before again seeking parole.
32. Upon information and belief, RIDOC and the Parole Board applied the "disaggregation method" to determine that NEVES would first be eligible for parole from his life sentence to his consecutive 10-year sentence once he served at least 20 years on the life sentence, being approximately March 2019. See Exhibit 5 reflecting the redetermination of parole eligibility date.
33. On August 21, 2019, applying the foregoing "disaggregation method," the Parole Board first considered and unanimously approved NEVES for parole from his life sentence to begin serving his consecutive 10-year sentence commencing in August 2021. Exhibit 3.

34. As a result of the disaggregation of his sentences for parole, the earliest date that NEVES would be eligible to be paroled to the community is an additional 40 months from August 2021, or approximately December 23, 2024.
35. Under the aggregation calculation, NEVES would first be eligible for parole to the community in 2022.
36. The action of RIDOC, accepted by the Parole Board, to disaggregate NEVES' sentences for purposes of parole will require him to serve at least an additional two years more than he would have under the aggregation calculation.
37. The action of RIDOC to calculate separate "parole eligibility dates" for inmates such as NEVES is contrary to law and irrational. The internal and unilateral decision of the RIDOC to declare its own method of calculating parole eligibility dates is entitled to no deference. See Lerner v. Gill, 463 A.2d 1352 (R.I. 1983).
38. RIDOC's decision to determine initial parole eligibility dates by disaggregating life and consecutive sentences of adult offenders, is arbitrary, capricious, and contrary to the letter and intent of the parole statutes.
39. Upon information and belief, there has been no material change to the Rhode Island statutes governing parole eligibility, or their interpretation by the Rhode Island Supreme Court, authorizing or justifying this unilateral and arbitrary action by RIDOC.
40. The Rhode Island Superior Court has previously addressed and rejected the RIDOC decision to disaggregate life and consecutive sentences in McMaugh v. State, PM-2017-05673; Eddie Martinez v. State, PM-2020-05568, and Francisco Martinez v. State, PM-2021-03544 (petition for certiorari pending).

41. In reviewing a statutory parole system in Massachusetts, the Massachusetts Supreme Judicial Court rejected the statutory interpretation there formally adopted by the Massachusetts Parole Board and here unilaterally applied by RIDOC, concluding that Massachusetts law—which contains similar language to Rhode Island concerning aggregation of sentences—“requires the board to establish a single parole eligibility date.” Dinkins v. Massachusetts Parole Board, 486 Mass. 605, 609 (Mass. 2021). “The [Parole Board’s] regulation, by exempting sentences consecutive to a life sentence from the aggregation rule, contravenes the plain meaning” of the Massachusetts statutory scheme. Id. at 610-611.

42. Upon information and belief, continuing to the present, RIDOC has inconsistently and without announcement, rulemaking or logic, determined that it will continue to apply sentence aggregation for some inmates but not for others.

IV. NEVES is entitled to immediate release to the community on parole as a Youthful Offender

A. The Youthful Offender Act, where applicable, renders youthful offenders eligible for consideration for parole to the community after serving a total of 20 years imprisonment.

43. In 2021, the General Assembly enacted, and the Governor signed into law, Public Law 2021, chapter 162, Article 13 §3, effective July 6, 2021, which amended R.I.G.L. § 13-8-13, to add a new subparagraph (e), hereinafter referred to as “the Youthful Offenders Act” or “the Act,” which provides:

(e) Any person sentenced for any offense committed prior to his or her twenty-second birthday, other than a person serving life without parole, shall be eligible for parole review and a parole permit may be issued after the person has served no fewer than twenty (20) years’ imprisonment unless the person is entitled to earlier parole eligibility pursuant to any other provisions of law. This subsection shall be given prospective and retroactive effect for all offenses occurring on or after January 1, 1991.

R.I.G.L. § 13-8-13(e) (emphasis added).

44. The express terms of the Youthful Offenders Act provide that, notwithstanding any other provision of law, and excepting only individuals serving a sentence of life without parole, any person, serving any sentence, for an offense committed before that person reached the age of 22 years old, is entitled to parole consideration after 20 years (unless they are already entitled to an earlier parole date by their sentence).
45. In enacting the Youthful Offenders Act, the legislature intended to give youthful offenders, including juveniles such as NEVES who were treated as an adult in prosecution and sentencing, an earlier opportunity than adults to demonstrate that that they have matured from the person who committed the underlying crimes in their early years. Before passing the Act shortening initial parole to 20 years for individuals committing offenses up to age 22, the General Assembly held extensive hearings on earlier versions of the Act, 2021-H 5144¹ and 2021-S0333,² which would have shortened the first parole date to 15 years, limited to individuals committing offenses up to age 18.
46. Such a law is supported by Roper v. Simmons, 543 U.S. 551, 569-70 (2005) and its progeny, Graham v. Florida, 560 U.S. 48 (2010), and Miller v. Alabama, 567 U.S. 460 (2012), where the United States Supreme Court recognized that juveniles generally lack the culpability of adult offenders because:
 - a. “[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young.

¹ <https://legiscan.com/RI/bill/H5144/2021>. The full House Committee hearing, including the testimony of the primary sponsor, Representative Casimiro, can be accessed at <https://upriseri.com/juvenile-offender-parole-act/>, accessed 12/7/21.

² <https://legiscan.com/RI/bill/S0333/2021>

These qualities often result in impetuous and ill-considered actions and decisions.”
Roper at 569.

- b. juvenile offenders are “more vulnerable or susceptible to negative influences and outside pressures, including peer pressure” and which “is explained in part by the prevailing circumstance that juveniles have less control, or less experience with control, over their own environment.”
- c. “the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.” Id. at 570.

As a result, “these differences render suspect any conclusion that a juvenile falls among the worst offenders. The susceptibility of juveniles to immature and irresponsible behavior means ‘their irresponsible conduct is not as morally reprehensible as that of an adult.’” Roper at 570. “Roper and Graham emphasized that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes.” Miller at 472.

- 47. NEVES meets all of the terms of the Youthful Offenders Act, in that he has served at least 20 years’ imprisonment on sentences for offenses all committed prior to his twenty-second birthday.

B. RIDOC and the Parole Board have unlawfully disregarded the mandates of the Youthful Offender Act.

- 48. Notwithstanding the foregoing, on information and belief, RIDOC has taken the position that the Youthful Offenders Act merely shortens the time—if it is more than 20 years—that a youthful offender must serve before consideration of parole from the *first* or life sentence to any consecutive sentence and must thereafter serve all consecutive sentences

in accordance with the adult parole eligibility provisions without regard to the provisions of the Act.

49. Attached hereto and incorporated herein as Exhibit 6 is a copy of a letter to a currently incarcerated youthful offender describing RIDOC's interpretation of the impact of the Act on the determination of parole eligibility. In the letter, the Parole Coordinator for RIDOC describes the Act as follows: "The new law states youthful offenders must serve 20 years on the [life] sentence before being eligible for parole (as opposed to 25 years)." These words do not appear in the Act at all.
50. Upon information and belief, the Parole Board has acquiesced in and accepted RIDOC's interpretation of the Youthful Offenders Act as applying only to shorten, if at all, an initial life sentence from 25 to 20 years.
51. According to RIDOC's interpretation, the Act merely shortens the initial disaggregated parole eligibility date for those youthful offenders sentenced to life for a crime committed on or after July 1, 2015, when the minimum term to serve before parole was increased from 20 to 25 years.
52. The Youthful Offender Act by its express terms "shall be given prospective and retroactive effect for all offenses occurring on or after January 1, 1991."
53. The interpretation and application of the Act by RIDOC and the Parole Board is absurd and illogical, contrary to the express terms of the Act and effectively operates to nullify its terms and defeat its purposes.
54. The interpretation and application of the Act by RIDOC and the Parole Board renders nugatory the Act's impact for any juvenile life sentence crime committed before July 1, 2015 notwithstanding its explicit retroactive effect to 1991.

55. In its interpretation of the Act, RIDOC has also maintained and extended its unlawful disaggregation of sentences to determine parole eligibility.
56. The interpretation of RIDOC and the Parole Board, to limit the Act to the “first” or life sentence, instead of “any sentence” as set forth in the Act, defeats and denies the purpose of the Act, directly contravenes its terms, and is arbitrary and capricious.
57. The interpretation of RIDOC and the Parole Board, to limit the Act to the “first” or life sentence, instead of “any sentence,” appears to be a consequence of RIDOC’s recent determination that life sentences cannot be aggregated with term sentences for purposes of calculating an initial parole eligibility date.
58. RIDOC’s determination to disaggregate life and consecutive sentences for adult offenders, even if it were correct, has no applicability to the determination of a parole eligibility date under the Youthful Offenders Act, in that the Youthful Offenders Act supersedes any contrary provision applicable to adult offenders, because it is self-contained, unambiguous, and of later date.
59. In addition, as set forth above, RIDOC’s determination to disaggregate life and consecutive sentences of adult offenders is not correct, in that the disaggregation decision is itself arbitrary, capricious, and contrary to the letter and intent of the parole statutes.

C. NEVES is entitled to immediate release on parole to the community under the mandates of the Youthful Offender Act.

60. The Parole Board met on August 23, 2021 to consider the terms of NEVES’ parole. Exhibit 3. The Board confirmed that NEVES meets all of the criteria for parole.
61. Because NEVES has satisfied all of the requirements for parole and qualifies for treatment as a Youthful Offender, NEVES was entitled to immediate release on parole to the community.

62. However, the Parole Board failed to acknowledge or take any account of NEVES' entitlement to consideration for parole to the community based on the Youthful Offenders Act.
63. As a direct result of the Parole Board's failure to apply the Youthful Offenders Act, and the application of the "disaggregation method" of sentence calculation, in the absence of relief from this Court, NEVES will be required to serve until approximately December 23, 2024, before the Board and RIDOC consider him eligible for parole to the community.
64. As of December 23, 2024, NEVES will have served over 25 years and 9 months in prison, notwithstanding the Act's directive to treat youthful offenders as eligible for parole after 20 years.
65. RIDOC's unlawful actions, to which the Parole Board has acquiesced, unlawfully require NEVES to remain in custody until at least December 23, 2024, notwithstanding the Parole Board's unanimous determination that he has already satisfied conditions of parole and has already served a minimum of 20 years in prison for offenses committed while he was a teenager.
- V. In the alternative, NEVES is entitled to consideration for release on parole in 2022 based on sentence aggregation.**
66. NEVES alternatively contends that he is entitled to have his parole eligibility date recalculated to render him eligible for parole to the community, as an adult offender, based upon the aggregation of his sentences, as initially calculated, with a release date in 2022, subject to determination by the Parole Board.

VII. Legal grounds for Post-Conviction Relief

67. NEVES is unlawfully detained in violation of the laws of the State of Rhode Island in that he is entitled to immediate release under the laws governing parole.
68. NEVES' continued incarceration constitutes an unreasonable seizure in violation of the Fourth Amendment of the United States Constitution, and Article I, Section 6 of the Rhode Island Constitution.
69. NEVES' continued incarceration deprives him of due process, in violation of the Fifth and Fourteenth Amendments of the United States Constitution, and Article I, Section 10 of the Rhode Island Constitution.
70. RIDOC's alteration of NEVES' terms of sentence so as to increase the amount of time he must serve before consideration for parole to the community is cruel and unusual punishment, in violation of the Eighth Amendment of the United States Constitution and Article I, Section 8 of the Rhode Island Constitution.
71. RIDOC's inconsistent, arbitrary, and discriminatory application of its "disaggregation" calculation so as to increase the amount of time NEVES must serve before consideration for parole to the community denies him Equal Protection of the law, in violation of the Fourteenth Amendment of the United States Constitution and Article I, Section 2 of the Rhode Island Constitution.

WHEREFORE, JOAO NEVES prays this court to

- a. Find that he has been unlawfully detained beyond the terms of his sentence, in violation of the laws of the State of Rhode Island governing parole and the United States and Rhode Island Constitutions;

- b. Declare that the Youthful Offenders Act, R.I.G.L. § 13-8-13(e), applies to establish an initial single parole eligibility date of no more than 20 years as to individuals serving any and all sentences (other than life without parole) for offenses committed before their twenty-second birthday, whether concurrent or consecutive;
- c. Grant his immediate release to the community, pursuant to the recommendation, and subject to the supervision, of the Rhode Island Parole Board;
- d. In the alternative, declare that the application of the disaggregation method of sentence calculation for determination of parole eligibility is improper and contrary to law and direct that the Parole Board consider NEVES for parole to the community at his earliest possible date for eligibility in 2022.
- e. Grant such further relief as this Court deems just and proper.

JOAO NEVES
By his attorneys,

COOPERATING ATTORNEYS,
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF RHODE ISLAND

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SLD@the-straight-shooter.com

VERIFICATION OF JOAO NEVES

JOAO NEVES, first being duly sworn, hereby states under oath as follows:

1. I am the Applicant in the above-captioned matter.
2. I have read the within Application for Post-Conviction Relief.
3. The statements in the Application are true to the best of my knowledge, information, and belief.

JOAO NEVES
JOAO NEVES
1/6/22

STATE OF RHODE ISLAND
PROVIDENCE, SC

On this 6th day of JANUARY 2022, before me a notary public, personally appeared JOAO NEVES, personally known to the notary or proved to the notary satisfactory evidence of identification, which was a Prisoner ID card, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to the notary that the contents of the document are truthful and accurate to the best of his or her knowledge and belief.

[Signature]
Notary Public

Michael S. Gingras
Notary Public, State of Rhode Island
ID # 53451
Commission Expires: 01/22/2023

#113671

Providence Superior Court
State of Rhode Island vs Joao Neves

Case No: P1-2000-0540A

JUDGMENT OF CONVICTION AND COMMITMENT

On the date(s) below came the attorney for the State and the defendant, who appeared in person and by counsel, before the justice of the Superior Court named below.

Prosecutor: John J McMahon

Defense Attorney(s): Therese M. Caron

IT IS ADJUDGED that the defendant, having entered a plea or having been found guilty as charged of the offense(s):

Count 1: Robbery, Guilty Plea As Charged, Sentenced By Judge Krause, 04-Feb-2000

Term To Serve 10 Years retro to 2/11/00/ & consecutive to
p1-2000-0180a & concurrent with
p1-2000-0539a, p1-2000-
0541a, p1-2000-0542a & p1-2000-
0543a

Total Assessments \$550.00

and the Court, having asked the defendant whether he/she has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

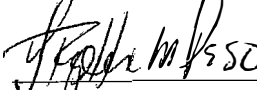
IT IS ADJUDGED that the defendant is guilty as charged and convicted.


IT IS ADJUDGED that the defendant is hereby committed to the custody of the warden of the Adult Correctional Institutions for the period stated above.

IF CONVICTED AFTER TRIAL, the defendant has been advised of his/her right to appeal within twenty (20) days to the Supreme Court and of his/her right, if unable to pay the cost of an appeal, to apply for leave to be represented on appeal by the public defender or to appeal in forma pauperis.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment to the proper authority of the Adult Correctional Institutions and that the copy serve as the commitment of the defendant.

TRUE COPY ATTEST


Clerk


Justice, Superior Court

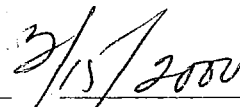

Date

EXHIBIT I



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

STIPULATION

☐ SUPREME COURT ☒ SUPERIOR COURT ☐ FAMILY COURT ☐ DISTRICT COURT

COUNTY/DIVISION

1. <i>STATE</i> <i>Joao Neves</i>	2. CASE NO. <i>PI-2000-0180A</i>
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In the above-entitled cause it is agreed that the following entry be made:

That the debt in this case (Joao Neves)
may be credited with time served starting on
3-2-99

John J. McMahon
Plaintiff's Attorney (Print Name)

AP6. 2042
Registration No.

John J. McMahon
Signature

Defendant's Attorney (Print Name)

Registration No.

Signature

Date

Judge

EXHIBIT 2

Parole05.rpt

R.I. DEPARTMENT OF CORRECTIONS

DATE: 10/22/21

*** PAROLE HEARING INFORMATION ***

ID: 113671
NAME: NEVES JOAO MSEC: MED DMODR 30B
D.O.B: 08/25/1982

SSNO: 000-00-0000

ELIGIBILITY DATE: 12/01/2024

*** SENTENCE INFORMATION ***

CRT RETRO SENTENCE STATUS YYY MMM DDD GOOD FULL

03/02/99 PAROLED NEXT SENTENC 0 0 0

08/01/21 CONTROLLING SENTENCE 10 0 0 07/08/2031 08/01/2031

AUGUST 21, 2019

PAROLED

08/2021 PAROLE CONSEC SENTENCE

The Board considered information reflecting both static and dynamic indicators including, but not limited to, criminal history, police reports(s), institutional record, risk assessment(s) and parole plan/request. Mr. Neves is represented at hearing by legal counsel. He was sixteen years old at the time of this offense and the Board has applied its guideline considerations for juvenile offenders. He is serving LIFE and a consecutive sentence of ten years. We are considering him on the LIFE sentence. He presents well at hearing, reflecting a level of maturity appropriate to the twenty years that he has now served and his current age. In the face of the grave loss of life in this case, we believe that he has established that he is not beyond rehabilitation or redemption. Notwithstanding his length of sentence he has been meaningfully active in programs and discipline free for the past four years. The Board appreciates the severity of this offense and the loss of an innocent life, the seriousness of which can never be diminished. Balancing these facts and factors the Board unanimously votes to parole him August 2021 to his next consecutive sentence. Immediate conditions of parole are that Mr. Neves continue in his educational training and actively pursue his Bachelors Degree; we also refer him to complete substance abuse treatment and criminal thinking programs as well as Emotional Intelligence, which we believe will be helpful to his rehabilitation. The reason for the staggered date is the amount of time the Board believes Mr. Neves should serve on the LIFE sentence. We will consider him when he is next eligible on his ten year consecutive sentence and we will also schedule a review date in August 2021 to review and assign any special conditions of parole for his Life sentence. (GTD:LIFE)

MEDIUM: VOTE: UNANIMOUS: Present: Pisaturo, Perez, Armesto, Ceped

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Parole05.rpt

R.I. DEPARTMENT OF CORRECTIONS

DATE: 10/22/21

*** PAROLE HEARING INFORMATION ***

ID: 113671
NAME: NEVES JOAO MSEC: MED DMODR 30B
D.O.B: 08/25/1982

SSNO: 000-00-0000

ELIGIBILITY DATE: 12/01/2024

AUGUST 22, 2019

MISC

PAROLE ADDENDUM

As an addendum to Mr. Neves August 21, 2019 parole hearing minutes the following is added per Chairperson Pisaturo: Parole is contingent upon this offender remaining booking free and in any program or educational course in which he is c

Page 1

urrently enrolled.(al

AUGUST 23, 2019 MISC REVIEW
Per Mr. Neves' August 21, 2019 Parole Board minutes he will
be reviewed in August 2021 to review and assign conditions
of parole for his Life sentence. (al

AUGUST 1, 2021 MISC RELEASED ON PAROLE

AUGUST 23, 2021 MISC PAROLE ADDENDUM

This is a Review as requested in Mr. Neves August 2019
parole decision so the Board can check in with him and
discuss conditions of parole for his Life Sentence. We
commend Mr. Neves for staying positive and on track. We
would like to see him participate in programming to address
anger management and mindfulness during the next year.
Special Conditions of parole will be as follows: 9 Yards
six (6) months transition program, with GPS; substance use
treatment assessment and compliance with treatment as
clinically indicated; mental health counseling for a
minimum of one year post release. In addition, we refer Mr.
Neves to access one-on-one counseling with the social
worker in his facility to address any concerns he has for
his re-entry transition. (GTD: LIFE) MEDIUM VOTE:
UNANIMOUS-Present; Pisaturo, Almeida, Armesto, Cad

END OF MINUTES



**RHODE ISLAND DEPARTMENT OF CORRECTIONS
OFFICE OF PAROLE COORDINATOR**

September 24, 2015

██████████
Medium Security
██████████

Dear Mr. ██████████

I am in receipt of your letter dated September 15, 2015.

Your parole eligibility date is calculated on 20 yrs. for the Life sentence plus 1/3 of the 10 yr. consecutive which is 3 yrs. 4 mos. This is 23 yrs. 4 mos. as of the retro date of 11/19/95 which makes you eligible in March 2019.

Sincerely,

A handwritten signature in cursive script, reading 'Kim Avedisian', is written over the printed name.

Kim Avedisian
Parole Coordinator

EXHIBIT 4

INFACS - Inmate Facility Tracking System (itenemy2)

---RI DEPARTMENT of CORRECTIONS---

File Edit Create Maintain History Search Utility Images Report Documents Settings Window Help

Parole Inmate View

Inmate Info

Inmate ID: 113671

Last Name: NEVES

First Name: JOAO

Minit: M

Inc. Number: -113671

D.O.B: 08/25/1982

Race: HISPANIC

Parole Date: 08/01/2019

Parole List (6 Rows)

Action Date	Action	Hearing Date	Comments
01/01/1900	INIT DATE		5/2023 INITIAL PAROLE HEARING
01/06/2005	INIT DATE		12/22 NEW PAROLE ELIGIBILITY
03/11/2019	INIT DATE	08/01/2019	NEW PAROLE ELIGIBILITY DATE
08/21/2019	PAROLED		8/2021 PAROLE CONSEC SENTENCE
08/22/2019	MISC		PAROLE ADDENDUM
▶ 08/23/2019	MISC	08/01/2021	REVIEW

EXHIBIT 5

Maintain Parole

Close

Ready

Enter) Display

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Ready



RHODE ISLAND DEPARTMENT OF CORRECTIONS
PAROLE COORDINATORS OFFICE
Dix Building
18 Wilma Schesler Lane, 2nd Floor Right
Cranston, RI 02920

October [REDACTED] 2021

[REDACTED]

Dear Mr. [REDACTED],

Effective July 1, 2021, The Rhode Island General Assembly passed a new law regarding youthful offenders (individuals twenty-two (22) years of age and under). This law changes the time for which some individuals imprisoned on a life sentence must serve before being eligible to appear before the Parole Board. The new law states youthful offenders must serve 20 years on the sentence before being eligible for parole (as opposed to 25 years).

Due to this change, your initial parole eligibility date has been changed to February of 2034 (on count 1 only). If you have consecutive sentences, a grant of parole will result in your beginning to serve the term(s) of any consecutive sentences.

After discussion with the DOC legal department, it has been determined that if and when you are paroled from the life sentence on count 1, it will be to count 2 (10 years to serve). You will be eligible on the 10 years after 1/3 of that sentence (3 years, 4 months). If and when you are paroled from the 10-year sentence, it will be to your life sentence on count 3 (minimum mandatory of 15 years).

All of your sentences do not receive the benefit of aggregation because you have been sentenced to life sentences with minimum mandatory terms to serve as well as a sentence that carries a term of years. That sentence structure negates the aggregation rules.

Respectfully,

Dot Valenzuela
Parole Coordinator