

**STATE OF RHODE ISLAND  
SUPREME COURT**

**JOAO NEVES** :  
 :  
 :  
 v. : **SU-2022-\_\_\_\_-MP**  
 : **(PM-2022-00259)**  
 :  
**STATE OF RHODE ISLAND** :

**PETITION FOR WRIT OF CERTIORARI**

The State of Rhode Island petitions this Court for issuance of a writ of *certiorari* to review the Superior Court’s March 31, 2022, Judgment granting Respondent Joao Neves’s application for post-conviction relief (“PCR application”) in PM-2022-00259 for the reasons set forth in a March 31 bench decision.<sup>1</sup> *See* Judgment dated March 31, 2022 (“Judgment”) (Exhibit 1).

This case involves an issue of first impression: Whether an individual serving a life sentence and consecutive term(s) of years for crimes committed before his or her twenty-second birthday is eligible for parole after serving twenty years at the Adult Correctional Institutions (“A.C.I.”) under R.I. Gen. Laws § 13-8-13(e).

On February 4, 2000, the Superior Court (Krause, J.) sentenced Neves to life after he pled guilty to one count of first-degree murder in P1-2000-0180A; to concurrent sentences of ten years to serve after he pled guilty to two counts of first-degree robbery in P1-2000-0539A; and concurrent sentences of ten years to serve

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<sup>1</sup> The State has ordered, but has not yet received, a transcript of the March 31 decision.

after he pled guilty to two counts of first-degree robbery and one count of assault with intent to commit robbery in P1-2000-0543A. *See* Docket: P1-2000-0543A at 1-2; Docket: P1-2000-0539A at 1-2; Docket: P1-2000-0180A at 1-2. One week later, on February 11, Neves pled guilty to three additional counts of first-degree robbery in three other cases and the Superior Court (Krause, J.) sentenced him to concurrent sentences of ten years to serve. *See* Docket: P1-2000-0542A at 1-2; Docket: P1-2000-0541A at 1-2; Docket: P1-2000-0540A at 1-2. Neves committed the murder, robberies, and assault in January 1999, when he was sixteen years old. All of the ten-year sentences run concurrent with each other but consecutive to the life sentence.

In 2019, after Neves had served twenty years of his life sentence, the Rhode Island Parole Board granted his parole application and ordered that he be paroled from his life sentence to the consecutive ten-year sentences in August 2021.

In January 2022, Neves filed the instant PCR Application. Among other things, Neves claimed that, because he was only sixteen years-old when he committed the murder, robberies, and assault, he was immediately eligible for parole from the A.C.I. pursuant to R.I. Gen. Laws § 13-8-13(e), which the General Assembly enacted in 2021, two years after the Parole Board voted to parole Neves from his life sentence to the consecutive sentences, since he had already served twenty years at the A.C.I.

The Superior Court agreed. It granted Neves’s PCR application and ordered the Parole Board to immediately release Neves on parole pursuant to the terms and conditions that it identified in the parole permit that it issued in 2019 when it paroled Neves from the life sentence to the concurrent ten-year sentences.

The State submits that the hearing justice erroneously interpreted and applied § 13-8-13(e)—the plain language of the statute refers to individuals sentenced for “any offense” and does not apply to individuals serving multiple sentences—and also erred in ordering the Parole Board to immediately parole Neves from the A.C.I.

For the reasons that the State will set forth in a supporting memorandum of law, the State asks this Court to grant this certiorari petition and review the Superior Court’s Judgment in PM-2022-00259.

Respectfully submitted,

**STATE OF RHODE ISLAND**

By Its Attorneys,

**PETER F. NERONHA**  
**ATTORNEY GENERAL**

/s/ Christopher R. Bush

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Date: April 4, 2022

## CERTIFICATE OF SERVICE

I certify that on April 4, 2022, I filed this petition through the electronic filing system and emailed copies through that system to Lynette Labinger, Esq. (LL@labingerlaw.com), Lisa Holley, Esq. (lisa@lisaholleylaw.com), and Sonja Deyoe, Esq. (SLD@the-straight-shooter.com). The document is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Christopher R. Bush

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# EXHIBIT 1



**STATE OF RHODE ISLAND**

**SUPERIOR COURT**

**CIVIL JUDGMENT ON DECISION**

<b>Plaintiff</b> Joao Neves <b>v.</b> <b>Defendant</b> State Of Rhode Island Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence RI 02903 (401) 222-3250	<b>Civil Action File Number</b> PM-2022-00259
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This action came before the court for a  **Web-Ex**  **hearing**, Associate Justice Stephen P. Nugent presiding, and the issues having been duly  **tried by a judicial officer without a jury**  **heard by a judicial officer** and a decision having been duly rendered.

**IT IS ORDERED AND ADJUDGED THAT, ON THE**

- Plaintiff Motion for Summary Judgment ( Granted )**
- State's Cross Motion for Summary Judgment (Denied)**
- Cross-claim**

Judgement for the Plaintiff, Order to Enter with details,

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Entered as a Judgment of the court on 3/31/2022.	<b>BY ORDER OF:</b> /s/ Lori Symonds-Bidon Clerk
	<b>ENTER:</b> /s/ Stephen P. Nugent Associate Justice