

STATE OF RHODE ISLAND  
SUPREME COURT

CODY ALLEN ZAB

v.

SU-2019-0459-A  
CA: PM2017-4195

RHODE ISLAND DEPARTMENT  
OF CORRECTIONS, et al.

and

JOSE R. RIVERA

v.

SU-2019-0462-A  
CA: PC2017-0433

RHODE ISLAND DEPARTMENT OF  
CORRECTIONS, by and through its  
Director, PATRICIA COYNE-FAGUE  
In her official capacity only

ON APPEAL FROM SUPERIOR COURT

BRIEF FOR APPELLANTS

Sonja L Deyoe #6301  
Law offices of Sonja L Deyoe  
395 Smith Street  
Providence, RI 02908  
Phone: (401) 864-5877  
Fax: (401) 354-7464  
[SLD@the-straight-shooter.com](mailto:SLD@the-straight-shooter.com)

## Table of Contents

INTRODUCTION.....	9
STATEMENT OF FACTS AND PRIOR PROCEEDINGS.....	10
STATEMENT OF ISSUES.....	12
1. Whether R.I.G.L. § 13-6-1 violates the Supremacy Clause of the United States Constitution as it denies the Plaintiff remedies that are secured to him by 42 U.S.C. § 1983. ....	12
2. Whether R.I.G.L. § 13-6-1 is unconstitutional because it violates the Equal Protection Clause under Articles 1 § 2, 21, and 8 of the Rhode Island Constitution and the First and Eighth Amendments of the United States Constitution by failing a strict scrutiny analysis. ....	12
3. Whether R.I.G.L. § 13-6-1 violates the Appellants right to substantive due process by negating their fundamental right to access the Courts. ....	12
4. Whether the taking of Appellants’ chose property rights, accrued to them based on personal injury claims arising after they were sentenced to life at the ACI, occurred without due process of law. ....	12
5. Whether Appellant Zab’s claims are barred by Issue Preclusion or Res Judicata. ....	12
STANDARD OF REVIEW .....	13
ARGUMENT .....	13
I. Rhode Island General Laws § 13-6-1 is unconstitutional as it removes from the Superior Court the ability to hear Appellant Zab’s 42 U.S.C. § 1983 claims under the Eighth Amendment to the United States Constitution.....	14
II. The Civil Death Act is unconstitutional as it violates the Appellants’ rights to Equal Protection under the State and Federal Constitutions. ....	16
A. Article 1 § 5 and 21 of the Rhode Island Constitution and the First Amendment to the United States Constitution provide Appellants with a fundamental right of access to the Court negated by the Civil Death Act.	
20	
B. The Civil Death Act violates Article 1 § 8 of the Rhode Island Constitution and the Eighth Amendment to the United States Constitution because it enacts cruel and unusual punishment.....	31

III. Rhode Island General Laws § 13-6-1 is unconstitutional on substantive due process grounds as it removes from Appellants their ability to be heard in State Court. .... 34

IV. The removal of Appellants’ property rights, attendant to claims that exist after they were sentenced to life at the ACI, violates principles of procedural due process of law applicable under both the Fifth Amendment and Fourteenth Amendment to the United States Constitution and Article 1 § 2 of the Constitution..... 41

V. Appellant Zab’s Claims Are Not Barred By Res Judicata or Collateral Estoppel..... 45

CONCLUSION ..... 50

## TABLE OF AUTHORITIES

### **CASES**

<u>810 Capital Cities Media, Inc. v. Toole</u> , 463 U.S. 1303 (1983).....	22
<u>Adams v. Carlson</u> , 488 F.2d 619 (7 <sup>th</sup> Cir. 1973) .....	26
<u>Adarand Constructors, Inc. v. Peña</u> , 515 U.S. 200 (1995) .....	17
<u>Alexander v. United States</u> , 509 U.S. 544 (1993) .....	22
<u>Allard v. Department of Transp.</u> , 609 A.2d 930 (R.I. 1992).....	17
<u>Amsden v. Moran</u> , 904 F.2d 748 (1st Cir.1990) .....	41
<u>Anderson v. Salant</u> , 38 R.I. 463, 96 A. 425 (1916).....	20
<u>Armstrong v. Manzo</u> , 380 U.S. 545 (1965).....	41
<u>Bilello v. A. J. Eckert Co.</u> , 42 A.D.2d 243 (NY 3rd App Div. 1973) ....	36, 37
<u>Board of Regents of State Colleges v. Roth</u> , 408 U.S. 564 (1972) .....	42
<u>Boddie v. Connecticut</u> , 401 U.S. 371 (1971) .....	35
<u>Borough of Duryea Pa. v. Guarnieri</u> , 564 U.S. 379 (2011).....	21
<u>Bounds v. Smith</u> , 430 U.S. 817 (1977) .....	36
<u>Brown v. Entertainment Merchants Ass’s</u> , 564 U.S. 786 (2011).....	17
<u>Bush v. Reid</u> , 516 P.2d 1215 (Ak 1973) .....	35, 39
<u>Butler v. Wilson</u> , 415 U.S. 953 (1974).....	37
<u>Casco Indemnity Co., v. O’Connor</u> , 755 A.2d 779 (R.I. 2000) .....	46
<u>Cherenzia v. Lynch</u> , 847 A.2d 818 (R.I. 2004) .....	19

<u>Chesapeake Utilities Corp. v. Hopkins</u> , 340 A. 2d 154 (De 1975).....	39
<u>Clark v. Community for Creative Non–Violence</u> , 468 U.S. 288 (1984).....	23
<u>Cok v. Read</u> , 770 A.2d 441 (R.I. 2001).....	23, 24, 38
<u>Corpus v. Estelle</u> , 551 F.2d 68 (5th Cir.1977) .....	25
<u>Cove Road Development v. Western Cranston Indus. Park Associates</u> , 674 A.2d 1236 (R.I. 1996).....	21
<u>Daniels v. Williams</u> , 474 U.S. 327 (1986) .....	33
<u>Davis v. Pullium</u> , 484 P.2d 1306 (OK 1971) .....	26
<u>ElGabri v. Lekas</u> , 681 A.2d 271 (R.I. 1996) .....	47
<u>Ex parte Thompson</u> , 442 S.W.3d 325 (TX CCA 2014) .....	17
<u>Federal Hill Capital, LLC v. City of Providence by and through Lombardi</u> , 227 A.3d 980 (R.I. 2020).....	17
<u>Ferreira v. A.T. Wall</u> , 2016 WL 8235110 (D.R.I. 2016) .....	43, 47
<u>Foster–Glocester Regional School Committee v. Board of Review</u> , 854 A.2d 1008 (R.I. 2004).....	46
<u>Gallop v. Adult Correctional Institutions</u> , 182 A.3d 1137 (R.I. 2018) . passim	
<u>Gallop v. Adult Correctional Institutions</u> , 218 A.3d 543 (R.I. 2019) .....	40
<u>Haywood v. Drown</u> , 556 U.S. 729 (2008).....	13
<u>Heffron v. International Society for Krishna Consciousness, Inc.</u> , 452 U.S. 640 (1981).....	23

<u>Hewitt v. Helms</u> , 459 U.S. 460 (1983).....	32
<u>Hooks v. Wainwright</u> , 352 F.Supp. 163 (M.D.Fla.1972).....	24
<u>Hudson v. Palmer</u> , 468 U.S. 517 (1984) .....	32
<u>In re Court Order Dated October 22, 2003</u> , 886 A.2d 342 (R.I.2005) .....	22
<u>In re Incurring of State Debts</u> , 19 R.I. 610 (1896) .....	20
<u>Johnson v. Rockefeller</u> , 365 F. Supp. 377 (USDC SDNY 1973) .....	37
<u>Kennedy v. Cumberland Engineering Co., Inc.</u> , 471 A.2d 195 (R.I. 1984). 23	
<u>Kennedy v. State</u> , 654 A.2d 708 (R.I. 1995).....	16
<u>Mackie v. State</u> , 936 A.2d 588 (R.I. 2007) .....	11
<u>McCary v. Sullivan</u> , 509 F.2d 1332 (5 <sup>th</sup> Cir 1975) .....	26
<u>McCoy v. Kenosha County</u> , 218 N.W. 348 (Wis. 1928) .....	19
<u>McCulston v. Wanicka</u> , 483 So. 2d 489 (Fla App. 2d 1986) .....	25, 37, 38
<u>Mehdipour v. Wise</u> , 65 P.3d 271 (Ok 2003) .....	27, 28
<u>Morrissey v. Brewer</u> , 408 U.S. 471 (1972) .....	41
<u>Murray v. Vose</u> , 1999 WL 482395 (D.R.I. 1999).....	44
<u>Palko v. Connecticut</u> , 302 U.S. 319 (1937).....	33
<u>Pell v. Procunier</u> , 417 U.S. 817 (1974) .....	20
<u>Rhodes v. Chapman</u> , 452 U.S. 337 (1984).....	30
<u>Rhodes v. Robinson</u> , 408 F.3d 559 (9th Cir. 2005) .....	16, 25
<u>Smith v. Estate of Catterall</u> , 107 R.I. 729 (1970).....	43

<u>Souza v. Trivisono</u> , 368 F.Supp. 959 (D.R.I.1973).....	25
<u>Starr v. Knierman</u> , 474 Fed. Appx. 785 (1 <sup>st</sup> Cir. 2012).....	42
<u>State v. Pacheco</u> , 161 A.3d 1166 (R.I. 2017).....	45, 46
<u>Trop v. Dulles</u> , 356 U.S. 86 (1958).....	30, 31
<u>Turner v. Safley</u> , 482 U.S. 78 (1987).....	20, 25
<u>U.S. v. Alvarez</u> , 567 U.S. 709 (2012) .....	17
<u>United Mine Workers of America v. Illinois State Bar Association</u> , 389 U.S. 217 (1967).....	21
<u>United States v. Dennis</u> , 183 F.2d 201 (2 <sup>nd</sup> Cir. 1950), aff'd, 341 U.S. 494 (1951).....	28
<u>Virginia Pharmacy Bd. v. Virginia Citizens Consumer Council, Inc.</u> , 425 U.S. 748 (1976).....	23
<u>Washington v. Glucksberg</u> , 521 U.S. 702 (1997) .....	32, 33
<u>Wolff v. McDonnell</u> , 418 U.S. 539 (1974) .....	24
<u>Young v. Wall</u> , 642 F.3d 49, 54 (1 <sup>st</sup> Cir. 2011).....	42
<u>Zab v. Zab</u> , 203 A.3d 1175 (R.I. 2019).....	14, 15, 35, 46

## STATUTES

R.I. Statute, Chapter 22 Section 36 (1857).....	21
Rhode Island General Laws § 13-6-1 .....	passim
Rhode Island General Laws § 13-6-4.....	38

Rhode Island General Laws § 8-2-4..... 15

Rhode Island General Laws § 9-1-15..... 41

Rhode Island General Laws § 9-1-25 ..... 42

Rhode Island General Laws § 9-31-1 ..... 41, 42

Title 21 O.S.1961, Section 66 ..... 28

**TREATISES**

1 Restatement (Second) Judgments § 24..... 49

**CONSTITUTIONAL PROVISIONS**

Article 1, Section 2 of the Rhode Island Constitution..... passim

Article 1, Section 21 of the Rhode Island Constitution..... passim

Article 1, Section 5 of the Rhode Island Constitution..... passim

Article 1, Section 8 of the Rhode Island Constitution..... passim

U.S. Const. amend 14..... 41, 43

U.S. Const. amend 5..... 41, 43

U.S. Const. amend 8..... passim

U.S. Const. amend I ..... passim



## INTRODUCTION

This appeal concerns the constitutionality of Rhode Island General Laws § 13-6-1, hereinafter called “Civil Death Act.” The Civil Death Act deems all individuals sentenced by the Rhode Island Superior Court to life in prison at the Adult Correctional Institution (“ACI”) civilly dead during the period of their imprisonment at the ACI. This Court has held that the Civil Death Act deprives life prisoners of most of their commonly held civil rights, and, chillingly, that the Act removed the authority of the Superior Court to hear any claims brought by these prisoners. Gallop v. Adult Correctional Institutions, 182 A.3d 1137 (R.I. 2018).

The cases before the Court are on appeal after final judgment entered against Appellants following a consolidated bench decision of the Superior Court, J. Lanphear, on a motion to dismiss Riviera’s complaint and a motion for summary judgment against Zab. In his decision, J. Lanphear granted the motions, holding that the Superior Court had no authority to hear the Appellants’ personally injury claims as it was divested of jurisdiction to do so by the language of R.I.G.L. § 13-6-1 and this Court’s prior holdings in Gallop. R346-348.

This appeal raises important and novel issues regarding the rights of prisoners sentenced to life in prison by Rhode Island Superior Court and

held at the ACI. For a State, and a community, that values access to the state judicial system by all persons, as is enunciated by Article 1, Section 5 of the Rhode Island Constitution<sup>1</sup> the Civil Death Act denies Appellant the right to have any of their civil claims heard in the Superior Court. If the Rhode Island Constitution does anything, it protects the rights of the people within this state to access one of its branches of government, namely the judiciary, through the state courts and seek a remedy for wrongs done to them. The Civil Death Act prevents Appellants from doing exactly that. The statute violates fundamental concepts of Due Process and Equal protection and is unconstitutional.

#### STATEMENT OF FACTS AND PRIOR PROCEEDINGS

Appellants Cody Allen Zab and Jose Rivera<sup>2</sup> are inmates sentenced to life and held at the ACI. R345. In his Superior court case, Appellant Zab asserted claims of negligence against the Department of Corrections (DOC)

---

<sup>1</sup> Article 1, Section 5 of the Rhode Island Constitution states:

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property, or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws

<sup>2</sup> While this is a consolidated appeal involving two different Appellants, for ease of reading, they will be referred to as Appellants herein.

and an outside contractor, Global Tel-Link, Inc., and under 42 U.S.C. § 1983 against the DOC for a violation of his Eighth Amendment right to be free of cruel and unusual punishment. These claims result from an incident in which Zab suffered a burn on his arm when it made contact with a very hot uninsulated pipe. R006. Appellant Jose Rivera filed a negligence action against the DOC alleging that he suffered injuries when he slipped and fell on a walkway outside of Maximum security on the way to his work detail. R352. The State filed a motion for judgment on the pleadings under R.I.G.L. § 13-6-1 versus Rivera and a motion for Summary judgment against Zab that was joined by Global Tel-Link, Inc. R060, R360.

By agreement of all parties, both matters were consolidated for hearing. The Court, J. Lanphear, determined that he did not have jurisdiction to hear the Appellants' claims once he determined that Appellants were sentenced to life in prison and held at the ACI based on this Court's decision in Gallop v. Adult Correctional Institutions, 182 A.3d 1137 (R.I. 2018). R346.

## STATEMENT OF ISSUES

1. Whether R.I.G.L. § 13-6-1 violates the Supremacy Clause of the United States Constitution as it denies the Plaintiff remedies that are secured to him by 42 U.S.C. § 1983.
2. Whether R.I.G.L. § 13-6-1 is unconstitutional because it violates the Equal Protection Clause under Articles 1 § 2, 21, and 8 of the Rhode Island Constitution and the First and Eighth Amendments of the United States Constitution by failing a strict scrutiny analysis.
3. Whether R.I.G.L. § 13-6-1 violates the Appellants right to substantive due process by negating their fundamental right to access the Courts.
4. Whether the taking of Appellants' chose property rights, accrued to them based on personal injury claims arising after they were sentenced to life at the ACI, occurred without due process of law.
5. Whether Appellant Zab's claims are barred by Issue Preclusion or Res Judicata.

## STANDARD OF REVIEW

Appellants’ challenge the constitutionality of R.I.G.L. § 13-6-1 and its application to deny them the ability to proceed with their claims in Superior Court. “When reviewing a challenge to a statute's constitutionality, this Court exercises the “greatest possible caution. Unless the party challenging the statute's constitutionality can “prove beyond a reasonable doubt that the act violates a specific provision of the constitution or the United States Constitution, this Court will not hold the act unconstitutional.” Mackie v. State, 936 A.2d 588, 596 (R.I. 2007)

## ARGUMENT

As will be briefed further, the Civil Death Act, as interpreted by this Court, removes from Appellants the ability to seek any relief from the Rhode Island State Courts because it divests the Superior Court of its authority to hear the Appellants’ claims. As a result, the Act removes from Appellants all avenues they have to ask the State Courts to enforce the protections they are granted under the Rhode Island Constitution, the United States Constitution and at the common law. The effect of the Civil Death Act is to leave the Appellants at the absolute mercy of all others, to include their fellow prisoners, officers at the ACI, and anyone who goes there.

The Civil Death Act is unconstitutional as a matter of law because: 1) It violates the Supremacy Clause of the United States Constitution as it serves to deny Appellant Zab the remedies secured to him by 42 U.S.C. § 1983; 2) The Civil Death Act is unconstitutional as it fails an Equal Protection Analysis under numerous provisions of Article I of the Rhode Island Constitution to include Sections 2, 21 and 8 and the First and Eighth Amendments to the United States Constitution; 3.) The Civil Death Act is unconstitutional as it violates the Appellants' rights to substantive due process and 4.) The Civil Death Act is unconstitutional as it removes from Appellants' chose property rights that they acquired as a result of suffering a personal injury after they were sentenced to life in prison, without procedural due process.

- I. Rhode Island General Laws § 13-6-1 is unconstitutional as it removes from the Superior Court the ability to hear Appellant Zab's 42 U.S.C. § 1983 claims under the Eighth Amendment to the United States Constitution.

Rhode Island General Laws § 13-6-1 is unconstitutional under the Supremacy Clause as it prevents Appellant Zab from bringing an action in State Court under 42 U.S.C. § 1983. The Civil Death Act cannot be used to bar Appellant Zab from pursuing a claim based on the violation of his Eighth Amendment rights under the United States Constitution in our Superior Courts as R.I.G.L. § 8-2-14 gives the Superior Courts the power to hear all

claims at law<sup>3</sup>, except those of Appellants, and accordingly creates an impermissible conflict with the Supremacy Clause.

In Haywood v. Drown, 556 U.S. 729, 736 (2008), the United States Supreme Court held that a state law that limited a prisoner’s ability to file a 42 U.S.C. § 1983 in the State’s Courts of general jurisdiction to enforce the rights the prisoners had under the United States Constitution violated the supremacy clause. In so holding, it noted that “a State cannot employ a jurisdictional rule ‘to dissociate [itself] from federal law because of disagreement with its content or a refusal to recognize the superior authority of its source.’ . . .” . . . States . . . lack authority to nullify a federal right or cause of action they believe is inconsistent with their local policies.” *Id.*

Absent the Civil Death Act, a jurisdictional rule, all other prisoners and persons in the state of Rhode Island are allowed to access the Superior Courts and file civil actions provided they seek more than five thousand dollars (\$5,000) in relief, which both Appellants did. See R.I.G.L. § 8-2-14 (Setting forth the original jurisdiction of the Superior Court). The statute is unconstitutional as it violates the Appellants’ ability to pursue their federal

---

<sup>3</sup> This is a general statement for our purposes. It is admitted that the District Court has jurisdiction over claims of \$5,000 or less and the Superior Court has jurisdiction of all claims at law over that amount. See R.I.G.L. 8-2-14.

claims in state courts of general jurisdiction where they are otherwise allowed to be heard.

- II. The Civil Death Act is unconstitutional as it violates the Appellants' rights to Equal Protection under the State and Federal Constitutions.

In Gallop v. Adult Correctional Institutions, 182 A.3d 1137 (R.I. 2018), a case involving a personal injury claim of Gallop against the ACI, this Court stated: "The [Civil Death] statute unambiguously declares that a person such as Plaintiff, who is serving a life sentence, is deemed civilly dead and thus does not possess most commonly recognized civil rights." Id. at 1141. The Gallop Court then stated that the Civil Death Act meant that: "persons serving a life sentence are prohibited from asserting civil actions." Id. at 1142. Further that the Superior Court, would have been "error for the Superior Court to proceed" on Plaintiff's claim as it was acting in excess of its jurisdiction if it did so as the legislature had divested it of its jurisdiction in these matters. Id. at 1143.

Proving that this holding was not limited to personal injury matters, in Zab v. Zab, 203 A.3d 1175 (R.I. 2019), this Court said that even in family law matters, different than the personal injury suit asserted in Gallop, Zab could not raise his claims because he, as a person sentenced to life in prison



and held at the ACI, was barred by the Civil Death Act which divested the Family Court of jurisdiction to hear his claims.

The Civil Death Act, so construed by this Court, is unconstitutional under the equal protection<sup>4</sup> clause of the Rhode Island Constitution, Article 1 § 2, as it strips the Appellants of their constitutional rights under Article 1 § 5, 21, and 8, and their rights under the First and Eighth Amendments to the United States Constitution without serving a compelling state interest which justifies its broad scope and devastatingly blunt effect.

As this Court has stated, the Civil Death Act bars the Appellants from exercising their most basic rights, including their right to sue in State Court in civil matters. Gallop, 182 A.3d at 1142. As the only means the Appellants have to enforce their State Constitutional rights is through litigation in State Courts, a direct implication of Gallop and Zab is that the

---

<sup>4</sup>Article 1 § 2 of the Rhode Island Constitution provides:

All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws. No otherwise qualified person shall, solely by reason of race, gender or handicap be subject to discrimination by the state, its agents or any person or entity doing business with the state. Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.

Appellants have no avenue to enforce their State Constitutional rights violating the very premise from which the State Constitution was drafted, i.e. to give the people these rights. See Rhodes v. Robinson, 408 F.3d 559, 567 (9th Cir. 2005)(“The most fundamental of the constitutional protections that prisoners retain are the free speech rights which allow them to file prison grievances and to pursue civil rights litigation in the courts, for “[w]ithout those bedrock constitutional guarantees, inmates would be left with no viable mechanism to remedy prison injustices.”); See also, Marbury v. Madison, 5 U.S. 137, 163 (1803)(“The very essence of civil liberty, certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection.”) The Civil Death Act removes from Appellants any ability to protect themselves of any mistreatment or bad conduct by their jailors or the jailors contractors in the State courts.

“In determining whether a statute complies with equal-protection standards, we must examine both the nature of the classification established by the act and the individual rights which may be violated by the act.” Kennedy v. State, 654 A.2d 708 (R.I. 1995). The rights set forth in Article 1 § 5, Article 1 § 21 and Article 1 § 8 of the State Constitution are all fundamental rights. Federal Hill Capital, LLC v. City of Providence by and

through Lombardi., 227 A.3d 980, 987 (R.I. 2020) (Fundamental rights include those expressly guaranteed by the Constitution). These rights are being denied only to prisoners sentenced to life in prison by Rhode Island Superior Court and held at the ACI and no other persons in this state.

“[W]here the legislation infringes upon explicit constitutional rights . . . legislative enactments must be narrowly drawn to express only a compelling state interest.” Allard v. Department of Transp., 609 A.2d 930, 937 (R.I. 1992). The compelling state interest is analyzed using a strict scrutiny analysis which requires that the government prove that classifications impinging on the constitutional rights “are narrowly tailored measures that further compelling governmental interests.” Adarand Constructors, Inc. v. Peña, 515 U.S. 200, 227 (1995). To survive this analysis, the State must prove that the statute is using the least restrictive means to achieve its asserted interest. Brown v. Entertainment Merchants Ass’s, 564 U.S. 786, 799 (2011); Ex parte Thompson, 442 S.W.3d 325, 344 (TX CCA 2014); see U.S. v. Alvarez, 567 U.S. 709, 725-26 (2012) (plurality op.) (“There must be a direct causal link between the restriction imposed and the injury to be prevented”). All of the challenges made by Appellants under the equal protection clause are governed by the strict scrutiny standard as each challenge implicates rights provided to Appellants by the Rhode

Island Constitution, and in some instances the United States Constitution.

No compelling justification has been put forth by the State supporting the effect of the Civil Death Act, namely the denial of most of Appellants' civil rights, including the right to assert and be heard on an action in the State Courts of general jurisdiction.

- A. Article 1 § 5 and 21 of the Rhode Island Constitution and the First Amendment to the United States Constitution provide Appellants with a fundamental right of access to the Court negated by the Civil Death Act.

The Civil Death Act infringes on expressly enumerated constitutional rights provided to all persons in the State of Rhode Island, to include Appellants, through Article 1§5 of the Rhode Island Constitution which provides that:

[E]very person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property, or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

This Article of the Rhode Island Constitution creates a fundamental right for all persons in Rhode Island, to include Appellants, to go to court and seek a





































































