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(others not available).

Rule requiring strict construction of statute providing for lower tax rate under certain circumstances would not be allowed to nullify the obvious intent of the Legislature. G.L. 1956, 41-4-3, as amended.

2. STATUTES. Construction. Legislative Intent.

In construing a statute the paramount task is to ascertain the intent behind its enactment and to effectuate that intent whenever it is lawful and within the competence of the Legislature.

3. WORDS AND PHRASES. "periods".

Word "periods" as used in statute reducing tax due from local parimutuel racetracks during periods when racetracks in other New England states were conducting races, contemplated a continuous period of time marked by the beginning and the completion of out-of-state meets which were in competition with Rhode Island racing. G.L. 1956, 41-4-3 as amended.

4. STATUTES. Subsequent Legislation. Weight Relative to Construction of Prior Statute.

Although subsequent legislation is not entitled to much weight in construing a prior statute, it is not always without significance and whether it sheds light on the meaning of a former statute depends upon a number of circumstances. G.L. 1956, 4-14-3, as amended.

CERTIORARI petition to review Superior Court order reversing decision of respondent as to amount of taxes due from petitioner, heard and petition denied and dismissed.

MAJORITY

THE HONORABLE JUDGE KELLEHER

We have issued a writ of certiorari pursuant to the provisions of the Administrative Procedures Act, G.L. 1956 (1969 Reenactment) 42-35-16. The petitioner is the Tax Administrator of the State of Rhode Island. He seeks a review of a Superior Court order reversing his determination that the respondent herein is delinquent in the amount of certain taxes in the state. The respondent operates a horse racetrack which is



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headquartered in Pawtucket. Hereinafter, we shall refer to the petitioner as the "Administrator" and the respondent as "Narragansett."

Prior to 1971, the state imposed an eight and one-half per cent tax on the total money wagered at a pari-mutuel track. (Section 41-4-3.) Such taxes are due and payable at the close of each day's racing. (Section 41-4-8.) At its January 1971 session the General Assembly amended 41-4-3 by enacting P.L. 1971, ch. 222 so that the pari-mutual tax rate was increased from eight and one-half per cent to nine per cent. The amendment further provided that, in the event of a conflict in racing dates assigned to Rhode Island tracks with those of a track operating in New England, the tax rate would be reduced to eight and one-half per cent. The controversy before us presents a pure question of law involving the language used by the Legislature in addressing itself to the problem posed by two New England racetracks operating at the same time. The pertinent provisions of ch. 222 read thus:

"However, each licensee conducting thoroughbred racing during such periods when thoroughbred race tracks in other New England states are conducting thoroughbred racing at the same time as those in this state shall, under the pari-mutual system, pay to the state, and there is hereby imposed:

(a) a tax at the rate of eight and one-half (8 1/2%) of the total money wagered on such events

The record certified to us discloses that Narragansett Park's 1971 fall meeting began on September 4 and ended on December 18. During this time the horses were racing at Rockingham racetrack in New Hampshire and at Suffolk Downs in Massachusetts. Racing at Rockingham ended in mid-October. Suffolk then opened and continued its operation almost until mid-December. However,

neither out-of-state track operated on Tuesdays, 1 and this fact caused a conflict between Narragansett and the Administrator. Narragansett paid an eight and one-half per cent tax on money wagered on Tuesdays' races. The Administrator ruled that because on Tuesdays the only thoroughbred horses racing in New England were racing at Narragansett Park, there was no conflict on those days and the nine per cent rate was to be imposed on Tuesdays' betting.

The language in the 1971 amendment which precipitated this proceeding are the phrases "during such periods," and "at the same time." In justifying the nine per cent tax rate, the Administrator relies on the principle that a tax exemption is to be strictly construed and he then defines the word "periods" as used in the 1971 enactment to mean the aggregate of days during the 1971 fall meeting when Rockingham and Suffolk Downs were open for business. Under the Administrator's view, each day of conflict constitutes a period. Consequently, there would be five conflicting periods a week, i.e., Monday, Wednesday, Thursday, Friday, and Saturday. While we give the Administrator an "A" for his zeal in seeking to enrich the State's coffers, we cannot concur in his view of ch. 222.

While we have some doubt that a one-half per cent reduction of the pari-mutual tax could be properly classified as an exemption, 2 we will not employ a rule calling for a strict construction to nullify the



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obvious intent of the General Assembly. *Palmer v. Couper*, 109 R.I. 241, 283 A.2d 672 (1971). The paramount task in construing a statute is to ascertain the intent behind its enactment

and to effectuate that intent whenever it is lawful and within the competence of the Legislature. *Almac's, Inc. v. R.I. Grape Boycott Comm.*, 110 R.I. 36, 290 A.2d 52 (1972).

At the administrative hearing, Narragansett's president gave evidence of what has been common knowledge. When a Rhode Island track runs in competition with another New England track, the Rhode Island enterprise figuratively and literally runs out of the money. This official pointed out that during the interval the Rhode Island track is running unopposed much of the wagering is generated by the out-of-state bettor. However, at other times it is much more convenient for the Boston bettor, seeking to improve the breed, to take a short trip to Suffolk or a rapid dash to Rockingham. Where there's a choice, he related, the owner of the better horses takes his animals to the out-of-state track. This tendency reduces the number of horses who race in Rhode Island. This reduction in turn effects a lowering in the amount wagered on the races. The president explained that the scientific bettor is reluctant to invest two dollars on a horse who, if he placed third, would return a mere twenty cents on the two-dollar bet. According to Narragansett's chief executive, the more horses, the better the chance that the devotee of long-shots will part with some of his money.

It is obvious that ch. 222 is remedial legislation designed to give relief to stockholders who have invested in either one of Rhode Island's two pari-mutual tracks. The 1971 legislation not only reduced the tax due when racing meets conflict but also provided that during such a time the track's share of the betting handle would be increased from eight per cent to eight and one-half per cent. In situations as the one presently before us reference is had to material such as Webster's Third New International Dictionary (1961). There we find some eleven definitions of the word "period," encompassing a variety of matters ranging from the punctuation mark found at the end of a declarative sentence to a reference to the menstrual cycle. However, having in mind the purpose of ch. 222, we believe that the word "period" as applied to time conveys the thought of the separation of a designated interval of time from the flow of time in general. *Van Dresser v. Firlings*, 305 Mass. 51, 24 N.E.2d 969 (1940). The designated interval is that which is marked by the beginning and the completion of the out-of-state meet which is in competition with Rhode Island racing. The period contemplated by the General Assembly was a continuous period of time. If the Legislature had desired that the Administrator's tacking together of days of competition be the procedure to be followed, it could have easily used the word "days" instead of "periods."

In affirming the trial Justice's decision, we would add a brief comment concerning the effect of a 1972 amendment 3 on the 1971 act. At its January 1972 session the General Assembly amended 41-4-3 so that during the period of New England competition a Rhode Island track pays a tax which is dependent upon the amount of the wagering. it ranges from a six per cent rate imposed on "daily" wagering up to \$425,000, to a nine per cent rate when the handle exceeds \$600,000. The Administrator argues that the addition of the word "daily" and the retention of the stipulation which



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reduces the rate "during such periods" when Rhode Island and New England tracks are operating "at the same time" shows that the Legislature adopted his view of the 1971 amendment.

Although subsequent legislation is not entitled to much weight in construing a statute, it is not always without significance. *Mattz v. Arnett*, 412 U.S. 481, 93 S.Ct. 2245, 37 L.Ed.2d 92 (1973). Whether or not a later statute sheds light upon the meaning of a former statute depends upon a number of circumstances. 2A Sutherland, *Statutory Construction* 49.11 at 265 (4th ed. 1973). There must be, as in the case at bar, some rational basis for an inference that the Legislature adopted the Administrator's interpretation of 41-4-3, as amended by P.L. 1971, ch. 222. There is absolutely nothing in the record to show that in 1972 the Legislators were ever aware of the Administrator's view of "during such periods" and "at the same time."

To the contrary, the necessity for the addition of the word "daily" is obvious because of the Legislature's adoption of an adjustable tax rate which is based on the day-to-day amount of money that passes through the pari-mutuel windows.

The petition for certiorari is denied and dismissed.

Mr. Chief Justice Roberts did not participate.

1. Rockingham closed Tuesdays because it took advantage of legislation permitting horse racing on Sundays.
2. An exemption has been defined as a release from the burden of enforced contributions to expenses and maintenance of government or an immunity from the general tax. *Kroger Co. v. Schneider*, 9 Ohio St. 2d 80, 223 N.E.2d 606 (1967).
3. Public Laws 1972, ch. 49.

Stephen F. Achille, for plaintiff-respondent.

Richard J. Israel, Attorney General, W. Slater Allen, Jr., Asst. Attorney General, Perry Shatkin, Chief Legal Officer (Taxation), for defendant-petitioner.

ORDERS ON CASES, 112 R.I. 901 (1973)

ORDERS OF THE COURT DURING THE PERIOD COVERED BY THESE REPORTS. * July 13, 1973 to March 14, 1974.

July 13, 1973.

M. P. No. 73-188. IN RE Petition of WILLIAM J. O'COIN, JR. Petition of William J. O'Coin, Jr. for permission to take

* Orders promulgating rules affecting practice and procedure will follow orders relating to specific cases and proceedings.



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the Rhode Island bar examination scheduled for July 24 and July 25, 1973 is granted. Joslin, J., not participating. William J. O'Coin, Jr., petitioner, pro se.

APPEAL No. 73-33. STATE v. LEO JOSEPH DESROCHES. Defendant's pro use motion that Justices of Supreme Court disqualify themselves denied. Defendant's pro se motion for appointment of special counsel is denied. Joslin, J., not participating. Richard J. Israel, Attorney General, R. Raymond Greco, Special Asst. Attorney General, for plaintiff. Leo Joseph Desroches, defendant, pro se.

APPEAL No. 73-138. JENNIE MANSOLILLO, Executrix, et al. v. JAMES L. TAFT, JR., Mayor of the City of Cranston, et al.

C. A. No. 73-70. STATE v. ELBERT v. BOWDEN, JR. Motion of defendant for release pending appeal denied. Joslin, J., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff. Alfred Paul Farese, Everett, Mass., Bevilacqua & Cicilline, John Cicilline, for defendant.

July 24, 1973.

EX. No. 997. STATE ex rel. CLINTON E. SALISBURY v. JAMES R. CAVANAUGH. Motion of state is granted, and papers remanded to the District Court for further proceedings. Joslin, J., not participating. Aram K. Berberian, for petitioner. Richard I. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for respondent.

EX. No. 1474. STATE v. JAMES B. VERRIER. Motion of state to dismiss defendant's appeal granted. Joslin, J., not participating. Richard J. Israel, Attorney General, R. Raymond Greco, Special Asst. Attorney General, for plaintiff. Aram K. Berberian, for defendant.

EX. No. 1941. STATE v. GERALD DESIDERATO. Motion of state to dismiss defendant's appeal granted. Joslin, J., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff. Albert J. Lepore, Coia & Lepore, for defendant.

APPEAL No. 1839. ALIE JACKSON v. JOHN QUINLAN, d/b/a QUINLAN HOME CONSULTANTS. Motion of defendant to reargue denied. Joslin, J., not participating. John D. Lynch, for plaintiff. Jacob D. Portnoy, for defendant.

July 25, 1973.

M. P. No. 73-188. ELISE F. PANSEY v. ROY H. PANSEY. Petition of respondent for writ of certiorari granted. All payments heretofore made voluntarily by the husband to the wife are required to be continued until further order of court.

August 7, 1973.

M. P. No. 73-171. RHODE ISLAND CONSUMERS' COUNCIL v. ARCHIE SMITH, in his capacity as Chariman of the Public Utilities Commission et al. Motion of Rhode Island Trucker Owners Association, Inc. to intervene as a party



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respondent granted. Roberts, C.J., and Joslin, J., not participating. Roberts & Willey Incorporated, Dennis J. Roberts, II, for petitioner. Adler, Pollock & Sheehan, Incorporated, Peter Lawson Kennedy, for Rhode Island Truck Owners Association, Inc., party respondent.

M. P. No. 73-175. VALLEY VIEW TENANT'S ASSOCIATION et al. v. JOSEPH A. DOORLEY, JR., Mayor, et al. Petition of petitioners for writ of certiorari granted, writ to issue forthwith, and matter assigned to the calendar of October 1 1973 for

hearing on the merits. Joslin, J., not participating. Walter R. Stone, for plaintiffs-petitioners. Louis A. Mascia, City Solicitor, Ronald H. Glantz, Deputy City Solicitor, for defendants-respondents.

M. P. No. 73-197. IN RE MICHAEL MANOOG JULIAN. petition brought by Michael Manoog Desdegulian, an attorney in this state, to obtain permission to practice law under the name of Michael Manoog Julian, to conform with his name as changed by decree of the Probate Court of the City of Pawtucket dated May 23, 1973. It is ordered that the prayer of the petition be granted, that petitioner henceforth be permitted to practice law solely under the name of Michael Manoog Julian, and that the pertinent records of this court with respect to the certificate of admission be amended to show such change in petitioner's name. Joslin, J., not participating. Michael Manoog Julian, petitioner, pro se.

APPEAL No. 73-33. STATE v. LEO JOSEPH DESROCHES. Motion of Inmate Legal Assistance Program for leave to file brief

and argue as amicus curiae is granted. Joslin, J., not participating. Richard J. Israel, Attorney General, R. Raymond Greco, Special Asst. Attorney General, for plaintiff. Leo Joseph Desroches, pro se, Raymond P. Veary, Jr., Staff Attorney, Inmate Legal Assistance Program, amicus curiae.

APPEAL Nos. 73-50, 73-61. JOHN J. NORTON v. NICOLA PAOLINO. JAMES O'MALLEY v. CHARLES F. JACKSON. Motion of appellant, James O'Malley, that his appeal be granted is denied. Joslin, J., not participating. Nugent & Nugent, J. Joseph Nugent, for appellant James O'Malley. David W. Carroll, for appellee The Travelers Insurance Company.

APPEAL No. 73-135. JOSEPH BELANGER et us. v. ARMAND S. SILVA v. JOHN J. CLARKE INS., INC., et al. Motion of third-party defendant, Shelby Mutual Insurance Company, for leave to file a brief on or before September 3, 1973 granted. Joslin, J., not participating. Nolan & Dailey, Leo J. Dailey; Robert R. Afflick, David G. Lussier, for Armand S. Silva, defendant and third-party plaintiff. Hanson, Curran, Bowen & Parks, A. Lauriston Parks, for John J. Clarke Ins., Inc.; Keenan, Rice, Dolan & Reardon, Roderick A. J. Cavanagh, for Shelby Mutual Insurance Company, defendants.

APPEAL No. 1851. JOSEPH V. ANDREOZZI v. FRANK D'ANTUONO d/b/a IDEAL MARKET. Motion of appellant, Joseph V. Andreozzi, to assign is granted, and the matter assigned to current argument list for hearing on the merits. Joslin, J., not participating. Dominic A. St. Angelo, for appellant. Vincent J. Baccari, for appellee.

August 8, 1973.



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August 10, 1973.

M. P. No. 73-193. THOMAS A. MCCORMICK et al. v. ANTHONY P. TRAVISONO et al Order staying the Order of the Superior Court entered on July 20, 1973 is modified by vacating so much as stays Paragraph (1) of the Order of the Superior Court. Otherwise, the Order entered on July 20, 1973, shall remain in effect until further order. William F. Reilly, Public Defender, for plaintiffs. Richard J. Israel, Attorney General, W. Slater Allen, Jr., Asst. Attorney General, Edward F. Burke, Chief Legal Counsel, Department of Corrections, for defendants. (Order assented to by Counsel).

August 20, 1973.

M. P. No. 73-225. In the Matter of RALPH C. DE LUCA. On March 20, 1972, the United States Attorney for the district of Rhode Island filed a criminal information charging the respondent with wilfully and knowingly failing to make an income tax return to the District Director of the Internal Revenue for the Internal Revenue District of Providence for the calendar years 1965, 1966 and 1967 in violation of Section 7203, Internal Revenue Code; 26 U.S.C., Section 7203.

On May 18, 1973, the United States Attorney filed an order in the United States District Court for the district of Rhode Island, dismissing the counts of the information involving the calendar years 1965 and 1966. On the same day, respondent, a member of the bar of this state since 1957, appeared in the United States District Court for the district of Rhode Island and pleaded guilty to the count of the information charging him with wilfully and knowingly failing to make an income tax return for the calendar year 1967. He was sentenced on his plea of guilty to pay a fine of \$1,000.00. The respondent has paid the fine.

We issued a show cause order in this case on our own motion. See in Re Conley, 102 R.I. 756, 229 A.2d 847 (1967). On August 8, 1973, respondent appeared before us in chambers accompanied by counsel. He has waived all benefit of the investigatory and prosecutorial procedures provided by our rules.

In his appearance before us, respondent offered two reasons why disciplinary action should not be taken against him. The first rests on his argument that the offense to which he pleaded guilty does not involve moral turpitude and therefore should not result in disciplinary action. He relies on decisions from other jurisdictions which have so held.

We do not believe it is necessary for us at this time to consider respondent's argument with respect to the question of moral turpitude. We have already held in this state that wilfully and knowingly failing to file income tax returns and receiving sentence therefor, even though the offense is only a misdemeanor, is unprofessional conduct and calls for disciplinary action. In Re Conley (supra); In Re Palmieri, 101 R.I. 775, 226 A.2d 813 (1967). We see no valid reason why we should depart from the high standard of conduct heretofore prescribed by this court. Since respondent has breached that standard, the case calls for disciplinary action.

This brings us to a consideration of the second reason which respondent urged in arguing that no disciplinary action should be taken against him, namely, his prior good record as a citizen and as a member of the bar.

The respondent, who is now 50 years old, has enjoyed an excellent reputation in his native town of Bristol both as a public



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official and as a member of the bar of this state. He also served his country with distinction in the United States Navy during World War II from June, 1943, to February, 1946, when he was honorably discharged from the Navy.

After considering respondent's previous good conduct, as well as his age, his previous respected career at the bar, and his distinguished military record, because of the high standard of conduct demanded of members of the bar it is nonetheless our judgment that he be suspended from engaging in the practice of law in this state beginning September 10, 1973, until further order of this court, provided, however, that upon a satisfactory

September 20, 1973.

M. P. No. 1697. CATHERINE I. BATON v. HAROLD W. BATON. Petitioner ordered to appear before Supreme Court on October 1, 1973 at 9:30 a.m. to show cause why the petition in the above-entitled matter should not be dismissed for lack of prosecution for failure to comply with Rule 16. Frank S. Cappuccio, for plaintiff-respondent. Edward M. Botelle, Z. Hershel Smith, for defendant-petitioner.

APPEAL No. 73-16. FREDERICK D. DUFF v. JOSEPH C. ROY, Chief of Police, et al. Defendants ordered to appear before

C. A. No. 73-32. STATE v. ROBERT J. KEENAN. Defendant ordered to appear before Supreme Court on October 1, 1973 at

September 26, 1973.

M. P. No. 73-188. ELISE F. PANSEY v. ROY H. PANSEY. Motion of petitioner to amend order of July 25, 1973 and for counsel fees is denied. Kenneth J. Macksoud, for plaintiff-respondent. Edmond A. DiSandro, for defendant-petitioner.

M. P. No. 73-219. HANNAH PRIMIANO v. TOWN COUNCIL OF WARREN. Petition for writ of certiorari denied without prejudice for failure on the part of petitioner to comply with the provisions of Rule 13. John F. Cuzzone, Jr., Matthew F.

M. P. No. 73-247. CARL MORETTA v. ALICE N. MORETTA. Motion of petitioner for a stay of proceedings scheduled for hearing in the Family Court on September 26, 1973 is denied. Carl Moretta, petitioner, pro se.

M. P. No. 1901. HOSPITAL SERVICE CORPORATION OF RHODE ISLAND et al. v. ALBERT B. WEST, Director of Department of Business Regulation. Petition to reargue denied. Roberts, C.J. and Joslin, J. not participating. Tillinghast, Collins & Graham, Edwin H. Hastings, Peter J. McGinn, for petitioners. Roberts & Willey Incorporated, Dennis J. Roberts, II, for Rhode Island Consumers' Council. S. Everett Wilkins, for Margaret E. Maguire, Intervenor.

EX. & c. No. 1566. STATE v. ROBERT E. FAIRBROTHERS, STATE v. JOHN ROSSI, STATE v. RUDOLPHO G. SCIARRA. Petition to reargue denied. Paolino, Joslin and Doris, JJ., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff-respondent. Anthony DelGuidice, for Robert E. Fairbrothers,



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Raymond J. Daniel, for

John Rossi; Charles J. Rogers, Jr., for Rudolpho G. Sciarra, for defendants-petitioners.

EX. & c. No. 1566. STATE v. MAURICE LERNER. Petition to reargue denied. Paolino, Joslin and Doris, JJ., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff-respondent. Ronald Chisholm, Boston, Mass., Raymond J. Daniels, for defendant-petitioner.

EX. & c. No. 1566. STATE v. RAYMOND L. S. PATRIARCA. Petition to reargue denied. Paolino, Joslin and Doris, JJ., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff-respondent. Harvey Brower, Lawrence, Mass., Harris L. Berson, for defendant-petitioner.

APPEAL No. 73-143. BARBARA TAMBORELLI v. RICHARD H. AMAZINE et al. Appellee-respondent's motion to dismiss appeal is denied. Motion to remand is granted, and the papers ordered transmitted to the Superior Court for further proceedings. Nathan Spungin, for appellee-respondent. Aram K. Berberian, for appellants-petitioners.

APPEAL No. 1627. ALBION RAYMOND v. B. I. F. INDUSTRIES, INC. Motion for a counsel fee pursuant to G.L. 1956, 28-35-32, as amended, is granted, and petitioner awarded \$1,250 for services rendered before Supreme Court. Abedon, Michaelson,

APPEAL No. 1809. VICTOR CORRENTE et al. v. TOWN OF COVENTRY et al. Motion to reargue denied. John D. Lynch, for plaintiff. Frank J. Williams, Town Solicitor, Richard R. Del Sesto, for Town of Coventry; James F. Murphy, for defendant, Lanbro, Inc., defendants.

October 4, 1973.

M. P. No. 1697. CATHERINE I. BATON v. HAROLD W. BATON. Matter came on to be heard on October 1, 1973, on a show cause order to dismiss for lack of prosecution, and no cause being shown at said hearing, petition dismissed. Frank S. Cappuccio, for plaintiff-respondent. Edward M. Botelle, Z. Hershel Smith, for defendant-petitioner.

APPEAL NO. 73-68. GEORGE PELOSO v. RALPH IMPERATORE et al. Motion of appellant to file a brief exceeding fifty pages

C. A. No. 73-32. STATE v. ROBERT J. KEENAN. Matter came on to be heard on October 1, 1973 on a show cause order to dismiss for lack of prosecution, and no cause being shown at said hearing, appeal dismissed. Richard J. Israel, Attorney General, for plaintiff-appellee. Joseph M. Berg, for defendant-appellee.

October 9, 1973.

M. F. No. 73-176. FERNAND PLANTE et al. v. RUSSELL BERARD et al. Petition of New Bocce Club, Inc. for a writ of certiorari is denied for failure to comply with the provisions of Rule 13. Goldman, Biafore & Hines, John H. Hines, Jr., for



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plaintiffs-respondents. Tobin, Decof, LeRoy & Silverstein, Michael A. Silverstein, for New Bocce Club, Inc., defendant-petitioner.

M. P. No. 73-208. ANTHONY J. BOTTIGLIO v. STATE. Petition for writ of mandamus denied without prejudice to right of petitioner to renew same within 30 days from date of this order. Anthony J. Bottiglio, petitioner, pro se. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for respondent.

October 16, 1973.

M. P. No. 73-55. JANE ANNE DRESSER et al. v. A. T. & G., INC. et al. Petitioners-appellants' motion to dismiss the third argument of appellees' brief is denied without prejudice to right

of petitioners to renew the motion at the hearing on the merits. Lavine & Sutherland, Paul P. Baillargeon, for petitioners-appellants. Macktaz, Keefer and Kirby, Paul A. Fontaine, for respondents-appellees.

M. P. No. 73-192. CITY OF WARWICK v. ZETTS CONSTRUCTION Co. et al. Petition for writ of certiorari denied without prejudice for failure of petitioner to comply with the provisions of Rule 13. Motion of respondents to remand to the Superior Court for the purpose of receiving a decision from the trial

M. P. No. 73-202. IN RE HANS PETER OLSEN. Petition for admission to the Rhode Island bar upon motion assigned to the November 1973 continuous argument list for hearing. Hinckley, Allen, Salisbury & Parsons, Thomas D. Gidley, Stephen J. Carlotti, for petitioner

M. P. No. 73-234. IN RE PETITION OF VITO N. RUSSO. Petition to permit petitioner to attend a local accredited law school or authorize the warden of the Adult Correctional Institutions to permit him to take a correspondence course for the purpose of qualifying for the bar examinations is referred to the Board of Bar Examiners for its consideration. Vito AT. Russo, petitioner, pro se.

M. P. No. 73-235. CORPORATION SERVICE, INC. et al. v. SON INC BOARD OF REVIEW OF EAST GREENWICH et al. Petition for writ of certiorari granted. Higgins, Cavanagh & Cooney, Albert D. Saunders, Jr., for plaintiffs-respondents. Hinckley, Allen, Salisbury & Parsons, Thomas D. Gidley, for defendants-petitioners, The Carlson Corporation, Techni-Rite Electronics, Inc. Vand Gulton Industries, Inc.

M. P. Nos. 73-236, 73-239. DANIELS TOBACCO Co., INC. v. JOHN H. NORBERG, Tax Administrator. Petition of Tax Administrator for writ of certiorari granted. Cross petition of Daniels Tobacco Co., Inc., for writ of certiorari granted. Higgins, Cavanagh & Cooney, Albert D. Saunders, Jr., for plaintiff. Richard J. Israel, Attorney General, W. Slater Allen, Jr., Asst.

M. P. No. 1894. SCHOOL COMMITTEE OF THE CITY OF PROVIDENCE v. BOARD OF REGENTS FOR EDUCATION. Petition to reargue denied. Kelleher, J., not participating. Vincent J. Piccirilli, for plaintiff-respondent. Abedon, Michaelson, Stanzler & Biener, Julius C. Michaelson, Richard A. Skolnik, for defendant-petitioner.



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APPEAL No. 73-96. RAYMOND A. MENDILLO v. PAUL CHARON et al. d/b/a NORTHEAST EXPRESSWAY. Motion of defendants for rehearing on plaintiff's motion to adjudge defendants in contempt is denied. McOsker & Isserlis, Paul A. Lietar, for plaintiff. Orlando A. Andreoni, for defendants.

APPEAL NO. 73-212. HUMPHREY J. DONNELLY, III, Mayor of Newport, et al. v. RICHARD ISRAEL, Attorney General. Motion of appellees that appeal of Genevieve Mathison be dismissed is denied without prejudice to the right of appellees to renew the motion at the hearing on the merits. Corcoran, Peckham & Hayes, Patrick O'N. Hayes, James S. O'Brien, City Solicitor, for plaintiffs-appellees. Richard J. Israel, Attorney General, W. Slater Allen, Jr., Asst. Attorney General; Genevieve Mathison, pro se, appellant.

APPEAL No. 73-232. CORPORATION SERVICE, INC. et al. v. ZONING BOARD OF REVIEW OF EAST GREENWICH et al. Motion of plaintiffs-appellees to dismiss appeal is granted. Notwithstanding the amendment to G.L. 1956. 9-24-1, wherein the words "in any civil action" were deleted, certiorari rather than appeal is still the proper method for appellate review of final judgments of the Superior Court in zoning cases, as previously enunciated in Bassi v. Zoning Board of Review, 107 R.I. 702, 271 A.2d 210 (1970). Higgins, Cavanagh & Cooney, Albert D. Saunders, Jr., for plaintiffs-appellees. Hinckley, Allen, Salisbury & Parsons, Thomas D. Gidley, for defendants-appellants, The Carlson Corporation, Techni-Rite Electronics, Inc. and Gulton Industries, Inc.

APPEAL No. 73-245. GREATER PROVIDENCE TRUST COMPANY v. NATIONWIDE MUTUAL FIRE INSURANCE COMPANY. Motion

of plaintiff-appellee to dismiss appeal is denied. Joslin, J., not participating. Adler, Pollock & Sheehan, Incorporated, Stanley J. Kanter, for plaintiff-appellee. John G. Carroll, Edward E. Dillon, Jr., for defendant-appellant.

C. A. No. 1931. STATE v. OSCAR E. TURLEY. Defendant's pro se motion to be allowed to file a supplemental brief granted. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff. Oscar E. Turley, defendant, pro se.

October 24, 1973.

M. P. No. 73-200. SPORTFISHERMAN CHARTER, INC. v. JOHN H. NORBERG, Tax Administrator. Petition for writ of certiorari granted. Coffey, McGovern and Novogroski, John G. Coffey, Jr., for plaintiff-respondent. Richard J. Israel, Attorney General, George H. Egan, Special Asst. Attorney General, Perry Shatkin, Chief Legal Officer, for defendant-petitioner.

M. P. No. 73-224. RICHARD T. STAHL v. JAMES W. MULLEN, Warden. Petition for writ of habeas corpus denied. Motion for admission to bail denied. Richard T. Stahl, petitioner, pro se. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for respondent.

APPEAL No. 73-6. STEVEN NAGY v. JOHN F. MCBURNEY. Motion of appellant to correct jacket record of Superior Court is remanded to the Superior Court for action pursuant to Rule 10 (e) of the rules of Supreme Court. Herbert Katz,



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for appellant. John F. McBurney, pro se, appellee.

APPEAL No. 73-72. MARIA MALAK v. WILLIAM D. MACINTOSH. Defendant-appellee's motion to declare lis pendens null and void is denied without prejudice to the right of defendant to renew the motion at the hearing on the merits. William H. McSoley, Jr., for plaintiff-appellant. Higgins, Cavanagh & Cooney, Kenneth P. Borden, for defendant-appellee.

APPEAL No. 73-275. ADELE CASTELLUCCI v. EUGENE CASTELLUCCI. Motion for extension of time for transmission of the record on appeal under Rule 11 (c) of the rules of Supreme Court is granted, and time extended to December 3, 1973. Doris, J. not participating. Kirshenbaum & Kirshenbaum, Isidore

Kirshenbaum, for petitioner-appellee. Joseph E. Marran, Jr., for respondent-appellant.

October 25, 1973.

M. P. No. 73-186. HIGH-WOOD INC. v. ZONING BOARD OF REVIEW OF WEST WARWICK. Order entered on October 16, 1973 is amended to read as follows:

October 29, 1973.

M. P. No. 73-271. NARRAGANSETT ELECTRIC COMPANY v. ARCHIE SMITH, in his capacity as Chairman of Public Utilities Commission, et al. Petition for common law certiorari granted without prejudice to the right of respondents to raise at oral argument the issue of the improvidence of grant of Supreme Court. Roberts, C.J., not participating. Edwards & Angell, Edward F. Hindle, Knight Edwards, Deming E. Sherman, for petitioner. Archie Smith, for respondent.

October 30, 1973.

M. P. No. 73-173. JOHN LATINA v. VERA BURDICK. Motion of petitioner to assign for argument is denied. Aram K. Berberian, for petitioner. Richard Jessup, for respondent.

M. P. No. 73-234. IN RE PETITION OF VITO N. RUSSO. Petition to allow petitioner to attend a local accredited law school or to authorize the warden of the Adult Correctional Institutions to permit petitioner to take a correspondence course for the purpose of qualifying him for the Rhode Island bar examinations is denied without prejudice. Vito N. Russo, petitioner, pro se.

M. P. No. 73-262. CHARLES G. LESIEUR v. GUILLAUME L. PARENT, et al. Petition for writ of certiorari is denied. Fred Israel, for petitioner. George A. Beaudet, for Edgar C. Turcotte.

M. P. No. 73-272. IN RE JOHN LOMBARDI. Attorney General directed to file answer to the petition for habeas corpus and therein to show cause, if any, why the writ should not issue as prayed, answer to comply with the provisions of Rule 14. Bevilacqua & Cicilline, John F. Cicilline, for petitioner. Richard J. Israel, Attorney General, for respondent.



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November 12, 1973.

M. P. Nos. 1784 and 1786. RHODE ISLAND CONSUMERS' COUNCIL v. ARCHIE SMITH et al. NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY v. PUBLIC UTILITIES COMMISSION. Commission is requested, as an amicus curiae, to brief and argue orally in defense of assignments of errors pressed either by the New England Telephone and Telegraph Company or by the Rhode Island Consumers' Council. Roberts, C.J., not participating. Dennis J. Roberts, H, for Rhode Island Consumers' Council; Andrew A. DiPrete, for New England Telephone and Telegraph Company, plaintiffs. Archie Smith, for defendants.

November 15, 1973.

M. P. No. 73-176. FERNAND PLANTE et al. v. RUSSELL BERARD et al. Amended petition for writ of certiorari granted. Goldman, Biafore & Hines, John H. Hines, Jr., for plaintiffs-respondents. Tobin, Decof, LeRoy & Silverstein, Richard S. Rosenstein, M. Durkan Cannon, Asst. City Solicitor, for defendants-petitioners.

M. P. No. 73-277. STATE ex rel. CITY OF CRANSTON v. JOSEPH WALSH. Petition for review and redress of grievances denied. Joseph Walsh, defendant-petitioner, pro se.

APPEAL No. 73-138. JENNIE MANSOLILLO, Executrix, et al. v. JAMES L. TAFT, JR., Mayor of City of Cranston et al. Motion

of Alfred Carpionato to intervene granted without prejudice to the right of defendants-appellants to renew their objections at hearing on the merits. Paolino, J., not participating. Pat Nero, for plaintiffs-appellees. Peter Palombo, Jr., for defendants-appellants.

APPEAL No. 73-146. RHODE ISLAND OPHTHALMOLOGICAL SOCIETY et al. v. JOSEPH E. CANNON et al. Motion to stay defendants' issuance of licenses denied. Motion Of plaintiffs-appellants, Rhode Island Ophthalmological Society et al., for an early assignment is granted, and the matter assigned to the argument list for December 1973. Abedon, Michaelson, Stanzler & Biener, Milton Stanzler, for plaintiffs-appellants. Richard I. Israel, Attorney General, W. Slater Allen, Jr., Asst. Attorney General, George H. Egan, Special Asst. Attorney General, for Joseph E. Cannon et al. Letts, Quinn & Licht, Frank Licht, Jerome B. Spunt, for interveners-appellees.

APPEAL No. 73-216. OLD COLONY COOPERATIVE BANK v. NATIONWIDE MUTUAL FIRE INSURANCE COMPANY. Motion of appellant, Nationwide Mutual Fire Insurance Company, to consolidate instant case with case of Greater Providence Trust Company v. Nationwide Mutual Fire Insurance Company, No. 73-245-Appeal, denied. Joslin, J., not participating. Zietz, Sonkin & Radin, Richard S. Mittleman, for plaintiff-appellee. Edward E. Dillon, Jr., for defendant-appellant.

APPEAL No. 73-222. KENNETH GROSS et al. v. SCHOOL COMMITTEE OF TOWN OF GLOCHESTER. Motion of intervenor, Hopkins Transportation, Inc., to dismiss plaintiffs' appeal is denied without prejudice to right to renew motion at the hearing on the merits. Motion of defendant, the School Committee of the Town of Glocester, to dismiss



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plaintiffs' appeal denied without prejudice to right of defendant to renew motion at the hearing on the merits. William J. George, William B. George, for plaintiffs. Thomas F. Fogarty, Jr., for School Committee of the

Town of Glocester. Scott K. Keefer, for Hopkins Transportation, Inc., Intervenor.

APPEAL No. 73-241. SAMUEL CORRADO et ux. v. CITY OF PROVIDENCE et al. Motion of defendants to dismiss appeal denied. Motion of plaintiffs-appellants for leave to file transcript out of time granted, and plaintiffs allowed 30 days from date of order in which to file transcript. Samuel Corrado, pro se, for plaintiffs-appellants. Louis A. Mascia, City Solicitor, Ronald H. Glantz, Deputy City Solicitor, Timothy J. McCarthy, for defendants-appellees.

APPEAL Nos. 1887, 73-167. ARAM K. BERBERIAN v. ARCHIE SMITH. ARAM K. BERBERIAN v. NEW ENGLAND TELEPHONE & TELEGRAPH Co. Motion of Archie Smith, in his capacity as Administrator of the Division of Public Utilities, to dismiss petitioner's appeals denied. Motion of New England Telephone & Telegraph company to dismiss petitioner's appeals denied. Aram K. Berberian, appellant, pro se. Goldman, Grady & Biafore, Joslin H. Hines, Jr., for Archie Smith. Tillinghast, Collins & Graham, DeWitte T. Kersh, Jr., for New England Telephone and Telegraph Company.

November 19, 1973.

M. P. Nos. 73-259, 73-279. MARGARET MURPHY et al. v. FRED R. BOCCHIO et al. MARGARET MURPHY et al. v. FRED R. BOCCHIO et al. Petitions for certiorari granted. Order entered on November 1 1973, No. 73-259-M.P. vacated, and the request for a stay of proceedings in Superior Court denied. Motion of respondent Everett M. Chase to consolidate petition for certiorari No. 73-279-M.P. with petition No. 73-259-M.P. granted. Keenan, Rice, Dolan & Reardon, Roderick A. J. Cavanagh, for petitioner, Fred R. Bocchio. Lynch, Walsh & Cobleigh, Joseph W. Walsh, for petitioner, Everett M. Chase.

November 21, 1973.

EX NO. 1575. STATE v. NICHOLAS A. PALMIGIANO. Defendant's pro se motion to make a certain transcript available to him is denied as moot. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff. Nicholas A. Palmigiano, defendant, pro se.

APPEAL No. 73-238. MARJORIE EUSTIS v. ROBERT L. HEMPSTEAD. Motion of appellee-respondent, Marjorie Eustis, to dismiss appeal denied without prejudice. Motion of appellee-respondent, Marjorie Eustis, to adjudge appellant-petitioner in contempt denied without prejudice. Motion of appellant-petitioner, Robert L. Hempstead, for an order staying the enforcement of the decision entered in the Family Court on January 29, 1973, denied. Sheffield & Harvey, William R. Harvey, for appellee-respondent, Marjorie Eustis. Temkin, Merolla & Zurier, Charles C. Dupre, for appellant-petitioner, Robert L. Hempstead.

November 29, 1973.

APPEAL No. 73-187. JOHN J. CABRAL et al. v. ALBERT BOTELLO et al. Matter certified to Supreme Court from the



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Superior Court on the 6th of July, 1973. Sec. 9-24-28 of the General Laws of Rhode Island (1969 Reenactment) entitled November 30, 1973.

M. P. No. 73-295. GARY G. LYONS v. EUGENE P. PETIT, JR., Registrar of Motor Vehicles. Petition for writ of certiorari denied. Aram K. Berberian, for petitioner. Richard J. Israel, Attorney General, George H. Egan, Special Asst. Attorney General, for respondent.

Ex. No. 1762. STATE ex rel. WILLIAM E. RADICAN v. GUY R. BERKER. Defendant's motion for recusal is denied. State v. Storms, 112 R.I. 454, 311 A.2d 567 (1973). Doris, J., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General for plaintiff. Aram K. Berberian, for defendant.

APPEAL NO. 1925. ANTONIO PARRILLO et ux. v. DIRECTOR OF PUBLIC WORKS FOR STATE OF RHODE ISLAND. Petition for reargument denied. Joslin, J., not participating. Jackvony & De Conti. Louis M. Cioci, for plaintiffs-respondents. Stephen F. Mullen, Chief Special Counsel, Department of Transportation, for defendant-petitioner.

December 3, 1974.

M. P. Nos. 73-257, 73-271. RHODE ISLAND CONSUMERS' COUNCIL v. ARCHIE SMITH et al. THE NARRAGANSETT ELECTRIC COMPANY v. ARCHIE SMITH et al. Joint motion of Rhode Island Consumers' Council and The Narragansett Electric Company to consolidate petitions for hearing and to establish a revised schedule of filings granted.

Petitioner in case No. 73-257-M.P., the Rhode Island Consumers' Council, to file its brief on or before December 20, 1973; the respondent in case No. 73-257-M.P., and petitioner in case No. 73-271-M.P., The Narragansett Electric Company, to file its brief on or before January 10, 1974. The Rhode Island Consumers' Council is further permitted to file, on or before January 25, 1974, a reply brief to The Narragansett Electric Company brief in cases No. 73-257-M.P. and No. 73-271-M.P., Respondents, Smith, Wrenn and Burman, in cases No. 73-257-M.P. and No. 73-271-M.P. to file their brief on or before January 25, 1974.

December 5, 1973.

M. P. No. 73-189. ELISE F. PANSEY v. ROY H. PANSEY. Order entered on November 27, 1973, amended to read as follows:

The papers herein are ordered transmitted to the Clerk of the Family Court for the limited purpose of granting petitioner-appellee, Elise F. Pansey, a hearing on her motion for a counsel fee, and upon termination of the hearing the papers are to be returned forthwith to the Clerk of this court. Except for the aforementioned limitation, the stay previously entered in this court shall remain in effect.



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Kenneth J. Macksoud, for petitioner-appellee. Edmond A. DiSandro, for respondent-appellant.

December 13, 1973.

M. P. No. 73-221. IMPERIAL ELECTRIC Co., INC. v. ALVARO FREDA et al. Petition for writ of certiorari denied. Zimmerman, Roszkonski & Brenner, Irving I. Zimmerman, for petitioner. James M. Shannahan, for members of Zoning Board of Review

M. P. No. 73-276. STATE v. GENNARO D'AMICO. Motion to vacate sentence and to remand to Superior Court denied. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff-respondent. William F. Reilly, Public Defender, Allegra E. Munson, Asst. Public Defender, for defendant-petitioner.

EX. &c. 1566. STATE v. MAURICE LERNER. Inasmuch as the rules of Supreme Court make no provision, express or implied, for amendment of a petition for reargument following a denial of reargument, defendant's motion to amend memorandum in support of the petition for reargument denied. Powers, J., although retired, participated in the order. Paolino, Joslin and Doris, JJ., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff. Ronald J. Chisholm, Medford, Mass., for defendant.

C. A. No. 1879. STATE v. GENNARO J. TRIVISONNO. Motion for attorney's fee and costs, pursuant to G.L. 1956 (1969 Reenactment) 9-24-32, granted, and petitioners awarded the sum of \$1,500 for services rendered on behalf of the defendant in Supreme Court. Kelleher, J., not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff. Kelly, Kelleher & Butterfield, Charles Butterfield, Jr., John E. Fuyat, for defendant.

January 3, 1974.

M. P. Nos. 73-257, 271. RHODE ISLAND CONSUMERS COUNCIL v. ARCHIE SMITH et al. THE NARRAGANSETT ELECTRIC COMPANY v. ARCHIE SMITH et al. Motion of The Narragansett Electric Company, the Rhode Island Consumers' Council and the Public Utilities Commission to file a Joint Appendix is granted. Roberts, C.J. not participating. Dennis. J. Roberts II,

M. P. No. 73-307. BEN JODE CO. v. JOHN H. NORBERG, Tax Administrator. Certiorari petition denied. Joslin, J. not participating. Harold H. Winsten, for petitioner. Richard J. Israel, Attorney General, W. Slater Allen, Jr., Asst. Attorney General, Perry Shatkin, Principal Legal Officer, Taxation, for respondent.

M. P. No. 73-309. KATHLEEN MURPHY v. ALBERT FASCIO et al., Board of Review, Department of Employment Security et al. Certiorari petition granted. Joslin, J. not participating. Abatuno & Chisholm, Thomas F. Fogarty, Michael T. F. Wallor, for petitioner. Louis Baruch Rubinstein, for respondents; Charles H. McLaughlin, for Mary C. Hackett, Director, Department of Employment Security.

APPEAL Nos. 73-50, 61. JOHN J. NORTON v. NICOLA PAOLINO. JAMES O'MALLEY v. CHARLES F. JACKSON. Motion of appellants for a peremptory assignment denied. Joslin, J. not participating. Nugent & Nugent, J. Joseph



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Nugent, for appellants John J. Norton and James O'Malley. John G. Carroll, for appellee Nicola Paolino. Roberts & Willey Incorporated, David W. Carroll, for Travelers Insurance Company, appellees.

APPEAL No. 73-71. ERNEST JOSEPH GINGRAS v. ALVIN G. RICHMOND et al. Motion of plaintiff-appellant to assign for argument is granted and matter assigned to continuous argument list. Joslin, J. not participating. Aram K. Berberian, for plaintiff. Louis A. Mascia, City Solicitor, Ronald H. Giants, Deputy City Solicitor, for defendants.

APPEAL No. 73-106. RONCI MFG. Co., INC. v. STATE OF RHODE ISLAND et al. Motion of plaintiff-appellant for permission to file brief in excess of 50 pages granted. Joslin, J. not participating. Goldberg & Goldberg, Leo M. Goldberg, for plaintiff-appellant. Stephen F. Mullen, Chief Special Counsel, Department of Transportation, for defendants-appellees.

APPEAL No. 73-251. THE WALMAG COMPANY, INC. v. ZURICH INSURANCE COMPANY et al. Motion of defendants for leave to file a joint brief is granted. Joslin, J. not participating. Baker & Sundlun, Walter I. Sundlun, for plaintiff. Gunning, LaFazia, Gnys & Selya, Richard T. Linn, for Zurich Insurance Company; Hanson, Curran, Bowen & Parks, William A. Curran, for United States Fire Insurance Company.

APPEAL No. 1788. FEDERAL BUILDING & DEVELOPMENT CORP. OF THE STATE OF RHODE ISLAND v. TOWN OF JAMESTOWN et al. Petition for reargument denied. Joslin, J. not participating. George C. Berk, for plaintiff-respondent. Daniel J. Murray, Town Solicitor, Letts, Quinn & Licht, for Town of Jamestown, defendant-petitioner.

APPEAL No. 1944. MORRIS EDWARD SHERMAN v. DONALD F. McDERMOTT. Motion of plaintiff to assign for argument is granted and matter assigned to continuous argument list. Joslin,

C. A. No. 73-299. STATE v. ROBERT MARQUIS. Defendant's pro se motion for appointment of counsel other than the Public Defender is denied. Public Defender shall continue to represent defendant in further prosecution of his appeal. Joslin, J. not participating. Richard J. Israel, Attorney General, for plaintiff. William F. Reilly, Public Defender, Allegra E. Munson, Asst. Public Defender, for defendant.

January 9, 1974.

M. P. Nos. 73-266, 272. IN RE ROBERT CALDARONE. IN RE JOHN LOMBARDI. Two petitions for writs of habeas corpus, each of which seeks a review of petitioner's conviction by a Superior Court jury on charges concerning the illegal possession of barbiturates, drugs and hypodermic needles and syringes are consolidated. It appearing that petitioners' rights to appeal having been lost because of some incident for which they were not responsible, the instant petitions will be articulated as petitions for writs of certiorari. Hester v. Timothy, 108 R.I. 376, 275 A.2d 637 (1971); MacKenzie & Shea v. R.I. Hospital Trust Co., 45 R.I. 407, 122 A. 774 (1923). Petitions are granted without prejudice to the state's right to raise at oral argument the question of the improvidence of the issuance of the writs. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff-respondent. Bevilacqua & Cicilline, for defendants-petitioners.



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January 15, 1974.

C. A. No. 1875. STATE v. RICHARD E. NICKERSON. Plaintiff ordered to appear on February 8, 1974 at 9:30 a. m. to show cause why the motion to hold in abeyance in the above-entitled matter should not be dismissed for lack of prosecution for

January 22, 1974.

M. P. No. 73-325. STATE v. TIMOTHY BIANCULLI. Petition for writ of certiorari is granted without prejudice to the right of the State to renew its objections thereto at the hearing on the merits. Roberts, C.J. not participating. Richard J. Israel, Attorney General, R. Raymond Greco, Special Asst. Attorney General, for plaintiff-respondent. Aram K. Berberian, for defendant-petitioner.

M. P. No. 74-4. NORMAN J. VERMETTE v. LOUISE S. CIRILLO, Administratrix of the estate of Leo Ciarlelli. Petition of Louise S. Cirillo, as administratrix of the estate of Leo Ciarlelli, for writ of certiorari is granted. Roberts, C.J. not participating. Edwards & Angell, John H. Blish, for plaintiff-respondent. D. A. St. Angelo, for defendant-petitioner.

APPEAL No. 73-269. MICHAEL J. BOVE III v. JOHN J. EGAN et al. Motion of appellee, John J. Egan, to dismiss appeal is granted, and the matter is remanded to the Superior Court for further proceedings. Roberts, C.J. not participating. William F. Hague, Jr., for appellant. Roberts & Willey Incorporated, David W. Carroll, for appellee, John J. Egan.

C. A. No. 73-67. STATE v. MAUREEN ARRUDA. Motion of appellant to assign granted and matter assigned to continuous argument list. Roberts, C.J. not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, Edward E. Dillon Jr., Special Asst. Attorney General, for plaintiff-appellee. Aram K. Berberian, for defendant-appellant.

January 23, 1974.

Ex. &c. NO. 1655. STATE v. ANTHONY BONSANTE, SR. Motion for an attorney's fee and costs, pursuant to G.L. 1956 (1969 Reenactment) 9-24-32, is granted. Toro Law Associates, Incorporated is awarded the sum of \$3,500. Roberts, C.J. not participating. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff. Toro Law Associates, Incorporated, Eugene F. Toro, for defendant.

January 28, 1974.

M. P. No. 73-256. IN RE PETITION OF RAYMOND L. BACCALA, JR. Petitioner, Raymond L. Baccala, Jr., pursuant to his request, granted permission to take the February 1974 bar examination. Roberts, C.J. not participating. Raymond L. Baccala, Jr., petitioner, pro se.

January 31, 1974.



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M. P. No. 74-18. STATE v. LEO DESROCHES. Petition of defendant for stay of sentence on February 4, 1974 and for release after judgment of conviction and for, other relief, as prayed, is denied. Roberts, C.J. not participating. Richard J. Israel, Attorney General, for plaintiff. Leo Desroches, defendant, pro se.

February 4, 1974.

M. P. No. 73-326. RUTH S. OLEVSON v. SAMUEL A. OLEVSON. Petition for writ of certiorari is denied. Motion for stay of operation of Family Court decree is denied. Roberts, C.J. not participating. Sanford H. Gorodetsky, for plaintiff-respondent. Samuel A. Olevson, defendant-petitioner, pro se.

M. P. No. 74-5. IDA MAZICK v. INDUSTRIAL NATIONAL BANK OF RHODE ISLAND, individually, in its capacity as Executor of Estate of Samuel Mazick, and in its capacity as Trustee. Petition of defendant-petitioner for writ of certiorari is denied. Roberts, C.J. not participating. Abedon, Michaelson, Stanzler & Biener, Richard A. Skolnik, for plaintiff-respondent. Hinckley, Allen, Salisbury & Parsons, Ernest C. Torres, for defendant-petitioner.

M. P. No. 74-8. HANNAH PRIMIANO v. TOWN COUNCIL OF THE TOWN OF WARREN. Petition for writ of certiorari is granted. Roberts, C.J. not participating. John F. Cuzzone, Jr., Matthew F. Callaghan, Jr., for petitioner. Pasquale T. Annarummo, Town Solicitor, for respondent.

C. A. No. 73-198. STATE v. ANTHONY SFAMENI. Motion of State that appellant be required to file a full transcript of Superior Court proceedings and defendant's motion for bail are assigned to calendar of Friday, February 8, 1974, for oral argument. Roberts, C.J. not participating. Richard J. Israel, Attorney General, R. Raymond Greco, Special Asst. Attorney General, for plaintiff-appellee. Bevilacqua & Cicilline, John F. Cicilline, for defendant-appellant.

APPEAL No. 73-118. RAYMOND CONSTRUCTION COMPANY, INC. v. RICHARD BISBANO et al. v. ARTHUR RODERICK. Motion of plaintiff-appellant to assign is granted and the matter assigned to the continuous argument list. Defendants are allowed 15 days from date of order in which to file their brief, and no further extension of time for filing same will be granted. Roberts, C.J. not participating. Swan, Keeney, Jenckes & Asquith, Conrad M. Cutcliffe, Ralph DeLuca, Richard B. Tucker,

Rhode Island Legal Services, Inc., for Julie Weber, Katherine Moore and Virginia Baggett, plaintiffs. Anthony R. Berretto, for Bristol Housing Authority; Emilio D. Iannuccillo, for Town of Bristol, defendants.

APPEAL Nos. 1887, 73-167. ARAM K. BERBERIAN v. ARCHIE SMITH. ARAM K. BERBERIAN v. NEW ENGLAND TELEPHONE & TELEGRAPH Co. Motion of Rhode Island Bar Association for leave to file a brief as amicus curiae granted, and it is allowed 30 days from date of order in which to submit its brief. Roberts, C.J. not participating. Aram K. Berberian, appellant, pro se. John H. Hines, Jr., for Archie Smith; Tillinghast, Collins & Graham, Victor J. Orsinger II, for New England Telephone & Telegraph Co.; Louis Baruch Rubinstein, for Rhode Island Bar Association, amicus curiae.

February 8, 1974.



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M. P. No. 74-6. VINCENT E. KADIAN v. MERCHANTS MUTUAL INSURANCE COMPANY. Petition of defendant for writ

C. A. No. 73-252. STATE v. JOSEPH A. AMORUSO et al. Motion of defendant Nicholas Bakios to dismiss State's appeal and his motion for an award of an attorney's fee and costs pursuant to G.L. 1956 (1969 Reenactment) 9-24-32 are denied. Motion of defendant Thomas Hopkins to dismiss State's appeal and his motion for an award of an attorney's fee and costs pursuant to G.L. 1956 (1969 Reenactment) 9-24-32 are denied. Richard J. Israel, Attorney General, Donald P. Ryan, Attorney General, R. Raymond Greco, Special Asst. Attorney General, for plaintiff. Matthew J. Faerber, for defendants Nicholas Bakios and Thomas Hopkins.

C. A. No. 1884. STATE v. DAVID FRANCIS KING, JR. Motion for an award of an attorney's fee and costs pursuant to G.L. 1956 (1969 Reenactment) 9-24-32 is granted, and petitioner awarded sum of \$1,040. Richard J. Israel, Attorney General, Donald P. Ryan, Asst. Attorney General, for plaintiff-respondent. Anthony E. Grilli, for defendant-petitioner.

APPEAL No. 73-222. KENNETH GROSS et al. v. SCHOOL COMMITTEE OF THE TOWN OF GLOCESTER. Motion of plaintiffs to Strike intervention of Hopkins Transportation Co., Inc. is

denied without prejudice to right of plaintiffs to renew motion at hearing on merits. Motion of plaintiffs to dismiss appeal of defendant School Committee of the Town of Glocester is denied without prejudice to right of plaintiffs to renew motion at hearing on merits. Motion of plaintiffs to dismiss intervenor's cross-appeal is denied without prejudice to right of plaintiffs to renew motion at hearing on merits. George & George, William J George, William Elias George, for plaintiffs. Thomas F. Fogarty, Jr., Macktaz, Keefer and Kirby, Scott K. Keefer, for Intervenor, Hopkins Transportation Co., Inc., for defendants.

February 21, 1974.

M. P. No. 73-113. VERNON H. HARDY et al. v. ZONING BOARD OF REVIEW OF THE TOWN OF COVENTRY. Motion to drop certain parties from the case, namely, William B. Spencer, William C. Marino, Mary R. Marino, Charles E. Bishop and Mary E. Bishop, is granted. Motion of Marion J. Dillon to withdraw as counsel for Vernon Hardy and Jacqueline Hardy granted. Marion J, Dillon, for petitioners. Anderson & Kane, Paul A. Anderson, for respondent.

C. A. No. 73-286. STATE v. GRACE C. CRESCENZO. Motion of appellant that appeal be granted or alternatively that a peremptory

for extension of time to March 5, 1974 in which to file brief is granted. Richard J. Israel, Attorney General, Donald P. Ryan; Asst. Attorney General, for plaintiff-appellee. Nugent & Nugent, J. Joseph Nugent, Jr., for defendant-appellant.

APPEAL No. 1882. ETTORE C. PICERNE v. ROLAND P. SYLVESTER et al. Motion to reargue is granted and matter assigned to continuous argument list. Roberts, C.J. not participating. George Ajootian, for plaintiff-appellee. James F.



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McAleer, for defendants-appellants.

February 22, 1974.

APPEAL NO. 1702. RUTH COOLBETH v. ARAM K. BERBERIAN. Papers remanded to the Superior Court for the sole purpose of an expeditious consideration of the defendant's motion to dismiss to which Supreme Court alluded in Coolbeth v. Berberian, 112 R.I. 558, 313 A.2d 656 (1974). Thereafter, the papers to be returned forthwith. Appeal of defendant from an order requiring him to furnish a more complete record is dismissed without prejudice to his right to contest the ultimate responsibility for the costs thereof. John M. Roney, Rhode Island Legal Services, Inc., for plaintiff. Aram K. Berberian, defendant, pro se.

APPEAL No. 1972. ROLAND LAMARIE et al. v. RICHARD K. AMAZINE. Motion of appellant, Richard K. Amazine, to remand papers to the Superior Court for the purpose of moving in that court for leave to file a supplemental pleading under

Super. R. Civ. P. 15 (d), claiming a discharge in bankruptcy, is denied without prejudice to right of appellant to renew motion at hearing on merits. David H. Sholes, for plaintiffs-appellees. Aram K. Berberian, for defendant-appellant.

February 28, 1974.

APPEAL No. 73-332. VIOLET M. CAVANAGH v. ROBERT D. CAVANAGH. Pro se appeal of respondent from final decree of Family Court, as prayed, is denied. Berge Gregian, for petitioner. Robert D. Cavanagh, respondent, pro se.

M. P. No. 74-30. IN RE DAVID F. FALVEY, JR. Petition of David F. Falvey, Jr. for permission to take the Rhode Island bar examination in February 1974 is denied as being moot. David F. Falvey, Jr., petitioner, pro se.

M. P. No. 74-39. MARGARET E. MAGUIRE v. ALBERT B. WEST, Director of Business Regulation. Petition for writ of certiorari denied. S.E. Wilkins, for petitioner. Edwin H. Hastings, Peter J. McGinn, for intervenors, Blue Cross of Rhode Island, Rhode Island Medical Society Physicians Service.

March 8, 1974.

APPEAL No. 1972. ROLAND LAMARE et al. v. RICHARD K. AMAZINE. Appeal by the defendant from an order of the Superior Court directing him to include within the record on appeal the entire transcript of the proceedings. At oral argument the plaintiffs moved to dismiss the appeal on the grounds of prematurity. Motion granted and the case remanded to Superior Court where the defendant may file for that court's consideration a motion alleging that his discharge in bankruptcy is dispositive of the matter. Roberts, C.J. not participating. David H. Sholes, for plaintiffs. Aram K. Berberian, for defendant.

March 13, 1974.



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March 14, 1974.

M. P. No. 74-21. CITY OF CRANSTON v. ALFRED CARPIONATO et al. Petition for writ of certiorari granted. Roberts, C.J., not participating. Peter Palombo, Jr., City Solicitor, for petitioner. Tillinghast, Collins & Graham, James A. Jackson, for Alfred Carpionato and Louis Carpionato & Son Co. Hinckley, Allen, Salisbury & Parsons, Stephen J. Carlotti, for John Montaquila and Rose Montaquila, respondents. Jeremiah S. Jeremiah, Jr., Asst. City Solicitor, for Zoning Board of Review, Cranston.

M. P. No. 74-38. IRENE J. CRAUSMAN v. WILLIAM I. CRAUSMAN. Petition of respondent for writ of certiorari is granted. Roberts, C.J. not participating. Harold I. Kessler, for petitioner. William I. Crausman, respondent, pro se.

M. P. No. 74-53. HENRY LAPLUME v. JAMES W. MULLEN, Warden. Respondent directed to file his answer to the petition

for writ of habeas corpus and therein to show cause, if any, why the writ should not issue as , prayed and, why Petitioner should not be admitted to bail, said answer to be made in compliance with the provisions of Rule 14. The stay, of the Superior, Court order entered on March 1, 1974 shall continue in effect until further order of court. Roberts, C.J. not participating. Lynch, Walsh & Cobleigh, John D. Lynch, for petitioner. Richard J. Israel, Attorney General, for respondent.

APPEAL No. 73-72. MARIA MALAK v. WILLIAM D. MACINTOSH. Motion of defendant-appellee to have the notice of lis pendens, recorded by plaintiff-appellant in the office of the Recorder of Deeds in Warwick, Rhode Island, on December 13, 1972, declared null and void is granted. Roberts, C.J. not participating. William H. McSoley, Jr., for plaintiff-appellant. Higgins, Cavanagh & Cooney, Kenneth P. Borden, for defendant-appellee.

