

THE RHODE ISLAND ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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*FOUNDED 1988 BY
RICHARD M. CASPARIAN,
PUBLIC DEFENDER*

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TESTIMONY OF THE RHODE ISLAND ASSOCIATION OF CRIMINAL DEFENSE LAWYERS (RIACDL) IN SUPPORT OF 2025—H 5439 & 2025—S 0910¹

RIACDL is proud to lend its enthusiastic support to the legislation under consideration here which permits the automatic sealing of individual counts of a criminal complaint dismissed by the prosecution pursuant to District Court Rule of Criminal Procedure 48(a).

- R. 48(a) allows the prosecution to dismiss misdemeanor charges brought in the District Court for a variety of reasons including actual innocence, insufficient evidence to satisfy its responsibility to prove guilt beyond a reasonable doubt, or any other reason that comes under the broad heading of “the exercise of prosecutorial discretion”.
- It cannot be overstated that a criminal record is one of the greatest barriers to economic, housing, and educational opportunities. This legislation would allow for automatic sealing of individual counts that are dismissed by the prosecution thereby obviating the need to go to court and obtain legal counsel to achieve this just result.
- The legislation makes technical changes to a law that was enacted in 2022 at the behest of The Judiciary working in conjunction with the Public Defender and other criminal justice stakeholders.

ⁱ RIACDL is an affiliate organization of the National Association of Criminal Defense Lawyers (NACDL). RIACDL was founded in 1988 by the late Richard M. Casparian, former Public Defender for the State of Rhode Island from 1988 until his death in 1997. RIACDL's mission includes, "working toward achieving justice and dignity... for persons accused of crime and the criminal justice system, and to influence the criminal law for the betterment of the criminal justice system...." RIACDL is registered with the Rhode Island Secretary of State's Office as a nonprofit organization.