

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PROVIDENCE, SC. FAMILY COURT

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**IN RE:** \*  
[REDACTED] \*  
\* \* \* \* \*

Juv. No. 2007-2234-1

H E A R D B E F O R E:

The Honorable Chief Judge Jeremiah Jeremiah, Jr.  
Providence County Family Court  
November 7, 2007

APPEARANCES:

Office of Attny. Gen.....Susan Urso, Esq.  
.....Jay Sullivan, Esq.  
Barrington P.D.....Det. Joshua Birrell  
For Respondent.....John M. Cicilline, Esq.

1 IN RE: [REDACTED]

2 JUV. NO. 2007-2234-1

3 NOVEMBER 7, 2007

4 THE COURT: I think we can start.  
5 Identify yourself for the record, please.

6 DET. BIRRELL: Detective Josh Birrell,  
7 Barrington Police.

8 MR. SULLIVAN: Jay Sullivan, assistant  
9 attorney general.

10 MS. URSO: Susan Urso, assistant attorney  
11 general.

12 MR. CICILLINE: John Cicilline on behalf  
13 of [REDACTED]

14 THE COURT: Yes, in the back.

15 DET. OSER: Detective Oser, O-S-E-R.

16 THE COURT: A.G., your name, please.

17 MS. MCLAUGHLIN: Carole McLaughlin,  
18 special assistant attorney general.

19 THE COURT: A.G.

20 MS. BOGOSIAN: Siobhan Bogosian, special  
21 assistant attorney general.

22 THE COURT: A.G.

23 MS. CALEND: Charles Calenda, special  
24 assistant attorney general.

25 MR. SANFORD: Richard Sanford, Rhode

1 Island Training School.

2 MR. CICILLINE: Judge, could I have  
3 mother and father join us at counsel table?

4 THE COURT: They should sit at counsel  
5 table, absolutely.

6 (MOTHER & FATHER COMPLIED)

7 THE COURT: Mr. Baretta, are you counsel  
8 in this case?

9 MR. BARETTA: I was going to be, Your  
10 Honor, but after careful review, I thought better  
11 of it at this stage.

12 THE COURT: who is the person sitting  
13 behind you, please?

14 MR. BARETTA: That is the defendant's  
15 father's significant partner.

16 (RESPONDENT ENTERED COURTROOM)

17 THE COURT: will you have a seat for your  
18 son, if you would, please.

19 (PARENTS COMPLIED)

20 THE COURT: would you take the handcuffs  
21 off him, please.

22 THE SHERIFF: Yes, Your Honor.

23 (SHERIFF COMPLIED)

24 THE COURT: Mr. Cicilline, your bar  
25 number, please.

1 MR. CICILLINE: 3350, Your Honor.

2 THE COURT: These are petition numbers  
3 PDL-07-000707-1 and 2. Mr. Cicilline, you waive  
4 the advisement of rights?

5 MR. CICILLINE: I do, Your Honor.

6 THE COURT: Waive the reading of the  
7 complaint?

8 MR. CICILLINE: I do.

9 THE COURT: Accompanied by the mother and  
10 father?

11 MR. CICILLINE: Yes, Your Honor.

12 THE COURT: And you enter a denial.

13 MR. CICILLINE: Denial, please, yes, both  
14 counts.

15 THE COURT: All right. We have petitions  
16 here. We're not adults here, but, okay. A.G.,  
17 please.

18 MS. URSO: Thank you, Your Honor. Your  
19 Honor, as you know, this respondent is here for an  
20 emergency arraignment today. He's charge with two  
21 petitions; driving to endanger, death resulting,  
22 and refusal to submit to a chemical test. The  
23 victim in this case is Jon Converse.

24 Your Honor, briefly, the allegations are on  
25 Monday afternoon, November 5th, two short days

1 ago, this respondent along with four other  
2 individuals decided that because Tuesday was a day  
3 off of school they were going to hang out Monday  
4 afternoon and then try to obtain some beer. They  
5 were able to do that. They went to the  
6 respondent's house at approximately 6 p.m. and  
7 remained there until about 9 or 9:30 p.m. This  
8 respondent was with four other male individuals  
9 and a female individual, all students, all 16 and  
10 17 years of age.

11 while they were there, a 30 pack of Bush Lite  
12 was delivered to the respondent's house. The  
13 respondent left the backyard where they were all  
14 hanging out, so to speak, and obtained the 30  
15 pack. That is a 30 pack that he and his friends  
16 pitched in money; they all pitched in to obtain  
17 the 30 pack.

18 They hung out in the backyard. There's a  
19 fire pit back there and there's some sort of a  
20 shed between the fire pit and the house. The  
21 house belongs to respondent's father and it's  
22 believed that the father was home at the time, but  
23 this respondent and his friends stayed in the  
24 backyard. It's also alleged that these  
25 individuals, except for the female, split the 30

1 pack, each having approximately five or six beers  
2 and then left the house, went to Taco Bell in  
3 Seekonk, and came back into Barrington; went to a  
4 friend's house where this respondent's car was --  
5 when this respondent then got in the car with  
6 three of the other male individuals and then  
7 proceeded to drive one of the individuals home.

8 They were proceeding down the road in  
9 Barrington. At the stop sign, this respondent,  
10 driving his car, then squealed tire, burned  
11 rubber, whatever you want to call it; took a right  
12 at the stop sign; entered on Sweet Meadow Road.  
13 At that time, it is also alleged he was taking the  
14 steering wheel, shimmying it back and forth,  
15 driving recklessly, so to speak. Got the car up  
16 to speeds of 60 miles per hour in a 30 miles per  
17 hour zone. He lost control of the vehicle. That  
18 vehicle then smashed into a tree, causing the  
19 death of the front seat passenger, Jon Converse  
20 who was 17 years old.

21 THE COURT: The parents -- are you folks  
22 separated?

23 MOTHER: Divorced.

24 FATHER: Yes, divorced.

25 THE COURT: Divorced? Sir, you live in

1 Barrington?

2 FATHER: Yes.

3 THE COURT: Where do you live?

4 FATHER: Yes, Your Honor.

5 MOTHER: I live in Warren.

6 THE COURT: Who has custody of the child?

7 MOTHER: I have possession. They live  
8 with their dad for school.

9 THE COURT: You may sit down. What are  
10 you asking for in this case?

11 MS. URSO: Your Honor, based on the fact  
12 that the respondent was living with his dad, or  
13 staying with his dad at this time, the State feels  
14 it inappropriate to be released to his father.  
15 However, if defense can come up with an  
16 alternative placement and the court deems --  
17 believes that's appropriate with strict  
18 conditions, one obviously being home confinement,  
19 not being allowed out without a parent or a  
20 guardian, and surrender his driver's license, the  
21 State would have no objection to that.

22 THE COURT: Mr. Cicilline.

23 MR. CICILLINE: Thank you, Your Honor.  
24 Your Honor, [REDACTED] is a 16-year-old  
25 young man. We have a plan in which we hope the

1 court will adopt. We're asking that you release  
2 him to home confinement to live at his mom's house  
3 ██████████ in Warren, Rhode Island. From  
4 there, he will go to school every day. He will  
5 return home after school; remain at home until the  
6 following day. He will not leave the house  
7 without being --

8 THE COURT: Was the father home last  
9 night when they were drinking, or the night --  
10 were you home when they were doing that, sir?

11 FATHER: Yes, I was, Your Honor, but  
12 they're wrong. The children were not at my house  
13 when they say they were. I was home. My daughter  
14 was home all night. I returned back home about  
15 nine o'clock. No one was at my home.

16 THE COURT: Mr. Cicilline, go ahead. I  
17 think we can work this out, but go ahead.

18 MR. CICILLINE: We would ask that you  
19 release him to his mom's custody, to stay at mom's  
20 house with a curfew; allow him to go to school.  
21 Whatever curfew the court sees fit on the weekends  
22 when he doesn't have school. He is on the tennis  
23 team. I can point out to the court, by all  
24 accounts --

25 THE COURT: Well, he wouldn't be playing

1 tennis. You understand that?

2 MR. CICILLINE: At this juncture, Judge.  
3 I would ask the court to consider the fact that  
4 he's never been in any trouble before. He does  
5 not have any traffic violations. He comes from a  
6 very well respected family who knows they need to  
7 follow the rules. His uncle is an attorney. His  
8 grandfather is a judge; was a judge. Everybody  
9 now understands he's got to tow the mark. It is a  
10 very serious situation. Everybody is emotionally  
11 drained. It's troubling for both the mother, the  
12 father, the young man, as well as the Converse  
13 family. Everybody is feeling this pain.

14 It seems to me that this is something we can  
15 ultimately work out, but I ask the court to  
16 release him at this juncture on the home  
17 confinement and allow him to seek the services  
18 he's going to need as well because he lost a  
19 friend through all this and he's dealing with that  
20 issue as well.

21 THE COURT: These comments are not  
22 directed at your client. These comments are  
23 directed at people who live in Barrington. Sit  
24 down, sir.

25 I'm going to release him on certain

1 conditions. I'm going to release him to his  
2 mother but, you know, it's utterly a shame that --  
3 and I don't say all the parents in Barrington, but  
4 we have a small minority of parents who think they  
5 can give their children all the freedom they want  
6 without having any responsibility, and  
7 responsibility lies with the parents, not with the  
8 child, and I think that sometimes we should look  
9 at the parents.

10 Again, not directed at your clients because I  
11 don't know your clients, I have no idea what type  
12 of family they are, but I just look -- this is the  
13 fourth death they've had. Barrington has probably  
14 the finest school administration in the state.  
15 Barrington has an outstanding police department,  
16 and the chief tries very hard to teach the  
17 children the responsibility of intoxication or  
18 drinking at a teenage level, and the chief is  
19 dedicated to do this and I respect him for it, but  
20 the parents don't take the responsibility.

21 I mean, I had a youngster from Barrington and  
22 I spoke to him about the dangers of driving and  
23 drinking and his father challenged me in the  
24 courtroom and said, 'You're wrong, Judge,' and I  
25 had to restrain the father in that particular

1 case, and there are other parents like that in  
2 Barrington who think they know everything and they  
3 provide their children with material items but  
4 they don't provide the children with the love and  
5 affection and communication they should, and we  
6 have to stop this, and this isn't a problem in  
7 Barrington. This is a problem all over the state.  
8 It doesn't just go to Barrington. It goes all  
9 over the state, but unfortunately or fortunately,  
10 they enforce the laws in Barrington.

11 I had four kids picked up, Barrington kids  
12 picked up by the East Providence police and they  
13 were driving their mother's Mercedes and they had  
14 five cases of Bud Lite and three bottles of  
15 scotch, and I said, 'what were you going to do  
16 with this?' and they said, 'we were going to drink  
17 it.' You know, two of the parents were very  
18 responsive to me, because we work with the kids.  
19 I think it's very important to teach kids the  
20 benefits of staying away from alcohol and behaving  
21 themselves, but two of the parents said, 'Oh,  
22 Judge, there's no big deal. That's no big deal.  
23 Judge, they're 17, 18. They're teenagers.  
24 They're going to do that.' It just frustrates me  
25 because we lost, according to Mr. Gray in the

1 paper today, a delightful individual. We lost a  
2 child today that had potential of being a very  
3 successful person.

4 We lost a child a couple of months ago in a  
5 boating accident who could be very, very  
6 successful. Yet, because of alcohol, we lost him.  
7 It's an utter shame that the parents don't take  
8 the responsibility and they don't today. They  
9 give the child the key to the house. They allow  
10 the kids access to the alcohol, and that's not --  
11 there are a lot of good parents in Barrington. I  
12 don't want to classify the town, but there's a  
13 small minority that think they can do anything  
14 their kids want.

15 Now, here's the conditions. I'll release him  
16 to his mother. Here are the conditions, and I  
17 don't know how we'll enforce this because one of  
18 the conditions being -- can Barrington police go  
19 into Warren?

20 DET. BIRRELL: Yes, Your Honor.

21 THE COURT: Home confinement. I'm going  
22 to put him on robocuff. Robocuff is a system  
23 where we call the home and he has to answer the  
24 phone. If he doesn't answer the phone within five  
25 minutes, he's violated and he'll be detained --

1 Barrington is ordered that if he fails to comply  
2 with any of these conditions, he is to be picked  
3 up and put in the training school forthwith. He  
4 can only go to school, and he has to be in the  
5 house half an hour after school is out. One half  
6 hour after school is out. He can go no other  
7 place unless they call the Barrington Police  
8 Department and get permission of the officer in  
9 charge to go to that particular -- if he has to go  
10 to a doctor, he has to call and say, 'I want to go  
11 to the doctor's office,' and the officer in  
12 charge -- Barrington, you can do this I assume?

13 DET. BIRRELL: Yes, Your Honor.

14 THE COURT: You have the ability to do  
15 this?

16 DET. BIRRELL: Yes, sir.

17 THE COURT: Barrington police have a  
18 right to come by that house at anytime at  
19 reasonable hours and to check to make sure there  
20 is absolutely zero alcohol in that house. If they  
21 find a half can of beer, the child comes out and  
22 the child is locked up. So he goes to school and  
23 he leaves half an hour before school and he's back  
24 in the house half an hour after school. He goes  
25 no other place, no other privileges. Of course,

1 he gives up his right to drive. No other  
2 privileges other than that unless allowed by the  
3 officer in charge of the police department.

4 Anything else, Miss Urso? Yes, sir. Go  
5 ahead.

6 MS. URSO: Just for the record, I want to  
7 indicate the victim -- I misspoke. The victim was  
8 16 years old.

9 MR. SULLIVAN: Your Honor, Jay Sullivan,  
10 assistant attorney general. The State is  
11 requesting the court issue a 17-C subpoena for the  
12 medical records of this respondent for his  
13 treatment at Rhode Island Hospital. As grounds  
14 for issuance of the 17-C subpoena, the State will  
15 suggest to you that witnesses have testified, or  
16 witnesses have given statements that this  
17 defendant was drinking five or six beers; that  
18 shortly after the crash, as police and rescue  
19 personnel extricated the defendant -- the  
20 respondent from the car, they noticed a strong  
21 odor of alcohol about him. Both -- all of the  
22 witnesses did. That he admitted to drinking six  
23 beers to the rescue personnel on the way to the  
24 hospital, upon information and belief. He was  
25 treated at the hospital. So the State would

1 request the issuance of a 17-C subpoena, in  
2 particular, for any records relating to any tests  
3 done on blood alcohol level.

4 Obviously, under the Medical Record  
5 Confidentiality Act, that he has 20 days to object  
6 and I would provide the defendant with a copy of  
7 the order that I'll have the court sign if the  
8 court grants it and a copy of the subpoena.

9 MR. CICILLINE: Judge, I -- obviously, at  
10 this juncture I'm going to object at this point in  
11 the proceedings. It seems to me that evidence is  
12 preserved. Certainly, the defendant has a right  
13 to contest that. That is certainly a critical  
14 issue in this case and --

15 THE COURT: The documents can be put  
16 under seal with the court.

17 MR. SULLIVAN: Absolutely, Your Honor,  
18 with an in camera review to determine relevancy  
19 and everything else, Your Honor. Obviously,  
20 they're not going to be turned over to the --

21 THE COURT: So ordered. To be delivered  
22 to the court. Not to be looked at by either party  
23 until they're looked at by the judge.

24 MR. SULLIVAN: Mr. Cicilline, will you  
25 accept service?

1 MR. CICILLINE: Yes, Your Honor.

2 THE COURT: I was just thinking a couple  
3 of months ago one of the children that I had - and  
4 they are children - in front of me on a charge  
5 from the Barrington police met me at the  
6 intersection of Market Street and someplace in  
7 Warren, because I live in Warren, and he was  
8 smiling and waving at me like nothing ever  
9 happened, and then he made an obscene gesture to  
10 me.

11 You know, that's what the parents are doing  
12 in Barrington. They don't respect authority.  
13 They don't respect everything, and that's a small  
14 minority. I want that noted. I don't want to  
15 classify them. Again, not directed at your  
16 clients.

17 All right. Pretrial date, gentlemen.

18 THE CLERK: Three weeks, Your Honor?  
19 11/28.

20 THE COURT: 11/28. All right. Thank you  
21 very much.

22 MR. CICILLINE: Thank you, Your Honor.

23 MS. URSO: Thank you, Your Honor.

24 THE COURT: Barrington, you know what the  
25 conditions are. You can go to that house anytime.