

STATE OF RHODE ISLAND  
NEWPORT, SC.

SUPERIOR COURT

NEWPORT HOUSING AUTHORITY

VS.

CHRISTINE REYNOLDS

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ND2002 - 0290

ORDER

The above entitled matter was heard before the Superior Court, Newport County, Justice Pfeiffer presiding, on July 26, 2002 on defendant's pretrial Motion to Dismiss. After consideration of oral presentations and memoranda of counsel, and in accordance with the bench decision rendered by this court on August 9, 2002, it is hereby Ordered, Adjudged and Decreed:

1) The material facts of this case are not in dispute - defendant was not arrested or charged with any drug related criminal activity, defendant was not home when the alleged drug activity took place, the drug activity, the sale of marijuana, was conducted by a Mr. Pedretti, defendant's boyfriend, who was not a tenant of the subject premises but on the premises babysitting defendant's children.

2) Plaintiff's Complaint averred that defendant was in violation of RIGL §34-18-24(9), which provides that " a tenant shall refrain from using any part of the premises for the manufacture, sale or delivery of a controlled substance or from

True Copy Attest

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*Charles H. Hollis*  
Office of Clerk of Superior Court  
Newport County  
Newport, Rhode Island

CLERK OF SUPERIOR COURT  
NEWPORT COUNTY  
NEWPORT, RHODE ISLAND  
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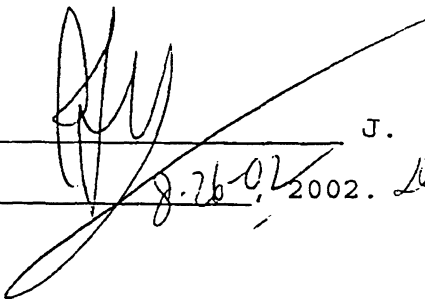
possessing on the premises with the intent to manufacture, sell or deliver".

3) The above said provision addresses drug related activity of the "tenant" . Based upon the facts of this case, which are not in dispute, defendant had no knowledge of the subject drug transaction and no intent to effectuate it. As such defendant does not fall within the rubric of §34-18-24(9) and therefor plaintiff's complaint fails to state a claim upon which relief can be granted.

4) Although federal law would permit the eviction of defendant merely because she granted access to the premises to Mr. Pedretti, see Rucker v Davis, 2002 Decision of the United States Supreme Court, Rhode Island law requires more and federal law has not preempted state law on this subject. Accordingly, Defendant's Motion to Dismiss is granted.

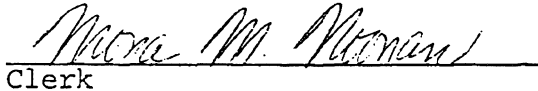
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J.  
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PER ORDER:

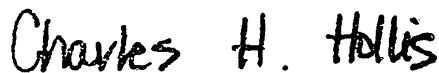
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Presented by:

Robert M. Sabel  
Counsel for Defendant

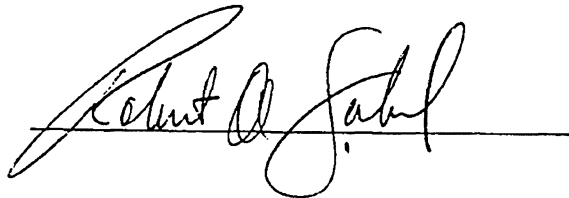
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Office of Clerk of Superior Court  
Newport County  
Newport, Rhode Island

Certification

I hereby certify that I hand delivered a copy of the above proposed Order to Craig Sampson, Esq. counsel for plaintiff on the 26th day of August, 2002.

A handwritten signature in cursive script, reading "Robert A. Jahl", is written over a horizontal line.

True Copy Attest

Charles H. Hollis  
Office of Clerk of Superior Court  
Newport County  
Newport, Rhode Island