

STATE OF RHODE ISLAND
DEPARTMENT OF CORRECTIONS
40 HOWARD AVENUE
CRANSTON, RHODE ISLAND

In the Matter of the Petition of
Mary Huard for a Declaratory Ruling

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RIDOC2026-PDR-001

DECISION

Introduction

On June 23, 2026, the Department of Corrections (“Department”) received Petitioner, Mary Huard’s (“Petitioner”) Petition for Declaratory Ruling (“Petition,” attached hereto as Exhibit A). In the Petition, the Petitioner requested that the Department provide “formal review, clarification, and correction—if warranted—of the calculation and application of good-time credits for inmate Arthur Mello (“Mr. Mello”), pursuant to Rhode Island General Laws § 42-56-24, specifically subsection (c) governing *General Good Behavior for Other Offenders*.” *Exhibit A*.

In the Petition, Petitioner asserts that “[g]iven the clear statutory language and the documented record of good behavior and program participation, a declaratory review is appropriate to ensure that Mr. Mello’s sentence was administered in full compliance with Rhode Island law.”

Petitioner further stated that her request seeks clarification and confirmation of the following:

1. Whether RIDOC applied the correct statutory subsection (§42-56-24(c)) to Mr. Mello's 5-month sentence.
2. Whether the full 10-day-per-month deduction was credited for each month of good behavior.
3. Whether all program-participation hours were properly recorded and considered.
4. Whether the release date of June 18, 2026 was correctly calculated and applied.
5. Whether any administrative or clerical discrepancies may have affected the computation of earned time. *Id.*

Petitioner in turn requests that the Department issue

“a formal written determination confirming the good-time calculation applied to Mr. Mello's sentence; a review of all conduct records to verify that no disqualifying disciplinary actions occurred; a review of all program-participation records, including Edovo transcripts; correction of any misapplied calculations, if identified; confirmation of the proper release date under § 42-56-24(c).” *Id.*

In support of the Petition, Petitioner provides information concerning Mr. Mello's incarceration. Specifically, she asserts that “Mr. Mello began serving a 5-month sentence on March 18, 2026, with a scheduled end date of August 17, 2026.” *Id.* Based on these date parameters, Petitioner asserts that Mr. Mello should be entitled to fifty days of good time under § 42-56-24(c) and that such an award would yield a projected release date of June 18, 2026. *See id.* Petitioner also provided information concerning Mr. Mello's programing and set forth that his Edovo Official Transcript indicated that Mr. Mello completed: “51 total learning hours, 49 completed course hours; 12 completed courses, and supplemental learning hours recorded.” *Id.*

Petitioner did not state or otherwise describe the nature of her relationship to Mr. Mello.

Issue

Whether the Department shall issue a declaratory order, decline to issue an order, or schedule the matter for further consideration.

Discussion

The applicable law regarding petitions for declaratory orders in the administrative law context begins with R.I. Gen. Laws § 42-35-8(a), which states: “[a] person may petition an agency for a declaratory order that interprets or applies a statute administered by the agency or states whether, or in what manner, a rule, guidance document, or order issued by the agency applies to the petitioner.” Additionally, R.I. Gen. Laws § 42-35-8(c) provides: “[n]ot later than sixty (60) days after receipt of a petition under subsection (a), an agency shall issue a declaratory order in response to the petition, decline to issue the order, or schedule the matter for further consideration.” If an agency declines to issue a declaratory order, the decision must be in a record and must include a brief statement of the reasons for declining. An agency decision to decline to issue a declaratory order is subject to judicial review for abuse of discretion.

The Rhode Island Supreme Court has stated that R.I. Gen. Laws § 42-35-8 is “an administrative counterpart of the Declaratory Judgments Act.” *Liguori v. Aetna Casualty & Surety Company*, 384 A.2d 308, 312 (R.I. 1978). It is well-settled rule that “the Superior Court is without jurisdiction under the Uniform

Declaratory Judgments Act unless it is confronted with an actual justiciable controversy.” *McKenna v. Williams*, 874 A.2d 217, 226 (R.I. 2005). This principal applies equally to declaratory rulings under § 42-35-8. *See City of Providence Board of Licenses v. Department of Business Regulation of R.I.*, 2013 R.I. Super. LEXIS 195, *9 (November 18, 2013).

“It is fundamental that, to be entitled to a declaratory judgment, a plaintiff must both demonstrate a personal stake in the outcome of the controversy and advance allegations claiming an entitlement to actual and articulable relief.” *McKenna*, 874 A.2d at 227. The Declaratory Judgments Act was “not intended to serve as a forum for the determination of abstract questions or the rendering of advisory opinions.” *Lamb v. Perry*, 225 A.2d 521, 523 (1967).

The Petitioner’s request for a declaratory ruling is not justiciable as Petitioner lacks the requisite standing to obtain a declaratory ruling. To satisfy the standing requirement, a Petitioner must allege “that the challenged action has caused him [or her] injury in fact, economic or otherwise.” *Watson v. Fox*, 44 A.3d 130, 135 (R.I. 2012). Petitioner’s alleged injury must be a “legally cognizable and protected interest that is concrete and particularized * * * and * * * actual or imminent, not conjectural or hypothetical.” *Id.* at 135-36. (internal citations and quotations omitted).

Petitioner has not advanced any allegations to suggest that she has suffered an injury that is actual or imminent. Petitioner is not seeking review of her incarceration sentence or institutional records. Rather, Petitioner submits her

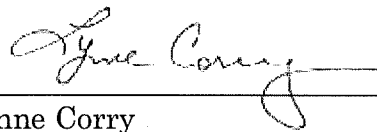
declaratory request “on behalf of” another individual, Arthur Mello, and seeks specific information from his institutional records which are not released to the general public. There is no evidence before the Department to suggest that the Petitioner has sustained any injury that would entitle her to a declaratory ruling, or that she has a personal stake in the Department’s review of Mr. Mello’s sentence calculation. *See Watson*, 44 A.3d at 136 (“plaintiff’s injury must be particularized and that he must demonstrate that he has a stake in the outcome that distinguishes his claims from the claims of the public at large.”). Accordingly, the Petitioner lacks the requisite standing to obtain a declaratory ruling.

Additionally, Petitioner’s request has not presented the Department with any allegations or facts to support the finding that there is an actual case or controversy. The Petition does not identify an unresolved question concerning how a statute, regulation, rule, guidance document, or agency order applies to the Petitioner. Instead, it seeks that the Department review the institutional records and individual calculation of another individual’s sentence. The Petition specifically requests that the Department provide “a formal review, clarification, and correction—if warranted—of the calculation and application of good-time credits for inmate Arthur Mello.” There is nothing identified in the Petition to suggest that there is a case or controversy surrounding the calculation of Mr. Mello’s sentence or specifically, that Mr. Mello’s sentence was calculated incorrectly. The APA as it relates to the issuance of declaratory orders, is not a vehicle for obtaining individualized remedial relief or for questioning

agency determinations and administrative actions concerning matters such as inmate classification, sentence computation, or records management, which are ordinarily subject to other procedures for review. The Petitioner's request is nothing more than a request for an advisory opinion. The APA should not be used as an appellate tribunal to contest or circumvent the Department's established procedures for reviewing sentence calculations, procedures which were available and accessible to Mr. Mello during his incarceration.¹

The Petitioner's failure to establish the essential requirements of standing and the existence of an actual controversy demonstrate that this matter is not justiciable. Therefore, the request for a declaratory ruling is nothing more than a request by the Petitioner that the Department resolve abstract questions, render an advisory opinion, or provide general legal advice. Consistent with the Department's position that there is no justiciable basis for the requested declaratory ruling, the Department declines to render an opinion on this matter.

For these reasons, the Department declines to issue a declaratory ruling.



Lynne Corry
Interim Director
Rhode Island Department of Corrections

August 21, 2026

¹ Although not dispositive of the legal issues addressed in this decision, the Department considers it important to note that Mr. Mello is no longer incarcerated at the ACI.

NOTICE OF APPELLATE RIGHTS

This decision constitutes a denial to issue a declaratory order requested under R.I. Gen. Laws § 42-35-8(a). Pursuant to R.I. Gen. Laws § 42-35-8(d), this order may be subject to judicial review.

Certification

I hereby certify that on this 21st day of August 2026, that a copy of the within Decision was sent by electronic mail to:

Mary Huard
mahuard72@aol.com
HuardMary@outlook.com

/s/ Selena D. Fortes, Esq.

EXHIBIT

A

From: Mary Huard <HuardMary@outlook.com>
Sent: Tuesday, June 23, 2026 9:04 PM
To: DOC Legal <DOC.legal@doc.ri.gov>
Cc: arthurmmello@aol.com; MARY HUARD <mahuard72@aol.com>
Subject: Declaratory Order Arthur Mello ID90106
Importance: High

You don't often get email from huardmary@outlook.com. [Learn why this is important](#)

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To whom it may concern,

DECLARATORY REQUEST FOR REVIEW OF GOOD-TIME CALCULATION AND APPLICATION

Re: Request for Declaratory Review of Earned-Time and Good-Time Credits Under R.I. Gen. Laws § 42-56-24

Submitted by: *Mary Huard-Mello*

On behalf of: Arthur Mello ID 90106

Date: June 23, 2026

To Whom It May Concern:

I respectfully submit this declaratory request seeking formal review, clarification, and correction—if warranted—of the calculation and application of **good-time credits** for inmate **Arthur Mello**, pursuant to **Rhode Island General Laws § 42-56-24**, specifically subsection (c) governing *General Good Behavior for Other Offenders*.

This request concerns whether the Rhode Island Department of Corrections (RIDOC) has

properly applied the statutory 10-day-per-month good-time deduction for a sentence exceeding one month but less than six months, and whether all earned program-participation credits have been duly recorded.

1. Statutory Basis for Request

R.I. Gen. Laws § 42-56-24(c): General Good Behavior

The statute provides that:

- For all prisoners serving more than one month,
- Who follow all institutional rules,
- Who have not been disciplined, and
- Who are not serving a life sentence or an excluded offense,

the Director *may deduct ten (10) days per month* from the term of sentence.

This provision applies to all eligible inmates whose sentences do **not** fall under the specialized categories in subsections (a) or (b).

2. Application to a 5-Month Sentence

Mr. Mello began serving a **5-month sentence** on **March 18, 2026**, with a scheduled end date of **August 17, 2026**.

A 5-month sentence equals **150 days**.

Under § 42-56-24(c), the applicable good-time calculation is:

- **5 months × 10 days/month = 50 days of good time**
- **150 days – 50 days = 100 days to serve**

Counting back 100 days from August 17, 2026 yields a projected release date of:

- **June 18, 2026**

This calculation is consistent with the statutory language and with standard RIDOC practice for sentences **over one month but under six months**, where subsection (b)'s "1-day-per-month" rule does not apply.

3. Program Participation and Earned-Time Considerations

Mr. Mello completed significant rehabilitative programming during his incarceration, as documented in his **Edovo Official Transcript**:

- **51 total learning hours**
- **49 completed course hours**
12 completed courses

- **Supplemental learning hours recorded**

Edovo is widely recognized as a rehabilitative educational platform used by correctional systems nationwide, including Rhode Island. While Edovo does not itself grant earned-time credits, RIDOC may consider documented program participation when determining eligibility for earned-time and good-time credits under § 42-56-24.

These records demonstrate consistent participation, compliance, and positive institutional behavior.

4. Basis for Declaratory Review

This request seeks clarification and confirmation of:

1. **Whether RIDOC applied the correct statutory subsection** (§ 42-56-24(c)) to Mr. Mello's 5-month sentence.
2. **Whether the full 10-day-per-month deduction** was credited for each month of good behavior.
3. **Whether all program-participation hours** were properly recorded and considered.
4. **Whether the release date of June 18, 2026** was correctly calculated and applied.
5. **Whether any administrative or clerical discrepancies** may have affected the computation of earned time.

Given the clear statutory language and the documented record of good behavior and program participation, a declaratory review is appropriate to ensure that Mr. Mello's sentence was administered in full compliance with Rhode Island law.

5. Requested Action

I respectfully request:

- A **formal written determination** confirming the good-time calculation applied to Mr. Mello's sentence;
- A **review of all conduct records** to verify that no disqualifying disciplinary actions occurred;
- A **review of all program-participation records**, including Edovo transcripts;
- Correction of any misapplied calculations, if identified;
- Confirmation of the **proper release date** under § 42-56-24(c).

6. Conclusion

This declaratory request is submitted in good faith to ensure that the statutory provisions governing earned-time and good-time credits are applied accurately and consistently. Rhode Island law clearly provides for a 10-day-per-month deduction for inmates serving more than

one month who maintain good behavior, and the record supports Mr. Mello's eligibility for the full credit available.

Thank you for your attention to this matter. I look forward to your written response.

Respectfully submitted,
Mary Huard-Mello
mahuard72@aol.com