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

In the Matter of the Petition of Jaime Barriera for a Declaratory Ruling	:	**RIDOC2026-PDR-002**

DECISION

Introduction

On July 21, 2026, the Department of Corrections ("Department") received Petitioner, Jamie Barriera's ("Petitioner") Petition for Declaratory Ruling ("Petition"), attached hereto as *Exhibit A*. In the Petition, Petitioner requested that the Department issue six (6) declaratory orders as to "RIDOC's interpretation of R.I. Gen. Laws § 13-8-9(b), and § 13-8-13(a)(1); and insofar as to the manner in which § 13-8-9(b) and § 13-8-13(a)(1) applies" to him. Specifically, Mr. Barriera is requesting that the Department:

> 1. Declare that RIDOC had in fact applied R.I. Gen Laws § 13-8-13(a)(1) when it initially set Mr. Barriera's parole eligibility on his thirty-five (35) year sentence at ten (10) years in 2018.
>
> 2. Correspondingly declare that RIDOC had applied R.I. Gen. Laws § 13-8-9(b) in isolation of § 13-8-13(a)(1) when it changed Mr. Barriera's

parole eligibility on his thirty-five (35) year sentence from ten (10) years to seventeen and one-half (17 ½) years in 2021.

3. Correspondingly declare that there was no change in relevant law or other authority since the time when RIDOC established Mr. Barriera's parole eligibility in 2018 at ten (10) years, including but not limited to R.I. Gen. Law § 13-8-9 and § 13-8-13.

4. Correspondingly declare that R.I. Gen. Laws § 13-8-13(a)(1) references § 13-8-9 as a whole, and that § 13-8-13(a)(1) does not explicitly exclude either of the two subsections within § 13-8-9.

5. Correspondingly declare that R.I. Gen. Laws § 13-8-13(a)(1) applies to "lengthy sentences," other than life sentences, habitual criminal enhancements, and non-parolable sentences, and that Mr. Barriera's thirty-five (35) year sentence is in fact within the purview of § 13-8-13(a)(1), and is controlling over Mr. Barriera's parole eligibility because the seventeen and one-half (17 ½) year parole eligibility established pursuant § 13-8-9(b) makes him "ineligible for a [parole] permit in less than ten (10) years" and therefore meets the criteria to trigger § 13-8-13(a)(1) in its application to the establishment of Mr. Barriera's parole eligibility.

6. Correspondingly declare that Mr. Barriera's correct parole eligibility is ten (10) years pursuant to R.I. Gen. Laws § 13-8-13(a)(1), or May 2026."

Exhibit A.

Following receipt of Petitioner's Petition, the Department received two supplements from Petitioner. The first was received on September 4, 2026, ("First Supplement") and the second was received on September 28, 2026 ("Second Supplement"). Both supplements are attached hereto as *Exhibits B and C*, respectively. In the Supplemental Petitions, Petitioner provided additional information relating to his interpretation of §§ 13-8-9 and 13-8-13 and its corresponding application to his parole eligibility. The supplements did not contain any new declaratory order requests.

In substance, Petitioner asserts that the Department is "unlawfully isolating R.I. Gen. Laws § 13-8-9(b) in its application to [his] parole eligibility, when R.I. Gen Laws § 13-8-13(a)(1) controls over the establishment of his parole eligibility." *Exhibit A.* Specifically, Petitioner argues that § 13-8-13(a)(1) "unequivocally applies to [his] 35 year prison term because parole eligibility pursuant to § 13-8-9(b) would otherwise make him 'ineligible for a [parole] permit in less than ten (10) years.'" *Exhibit C.*

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). The purpose of the Uniform Declaratory Judgments Act is "to settle and afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations[.]" R.I. Gen. Laws § 9-30-12. A declaratory judgment action is also intended "to render disputes concerning the legal rights and duties of the parties justiciable without proof of a wrong committed by one party against another[.] *Millett v. Hoisting Eng'rs' Licensing Div. of Dep't of Labor*, 377 A.2d 229, 233, (R.I. 1977).

It is a 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 principle 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 purpose of as a declaratory order under § 42-35-8 is to interpret or apply a statute administrated by the agency or to clarify whether or in what manner an agency rule, guidance document or order applies to the petitioner. While the Rhode Island Legislature has tasked the Department with submitting a list to the Parole Board of all prisoners who will be eligible for parole in a given month, the requested declaratory relief as presented by the Petitioner does not warrant issuance of a declaratory order. *See* R.I. Gen. Laws § 13-8-23(1).

First, declaratory order requests one (1) and two (2) seek for the Department to declare that it "had in fact" applied R.I. Gen Laws § 13-8-13(a)(1) to Petitioner's parole eligibility in 2018 and then applied R.I. Gen. Laws § 13-8-9(b) in isolation of § 13-8-13(a)(1) to his parole eligibility in 2021. *See* Exhibit A. Additionally, declaratory order request three (3) asks the Department to declare that no change in law occurred between 2018 and 2021. *See id.* These requests are an improper use of the APA's declaratory order procedure because they do not seek to resolve existing uncertainty or provide relief concerning Petitioner's legal rights. Rather, these requests seek affirmation of the Department's past application of § 13-8-1 et seq. and factual findings concerning prior internal record keeping. Since these requests neither resolve uncertainty nor afford relief concerning Petitioner's legal rights, they are inconsistent with the fundamental purpose of declaratory relief under the APA.

Second, declaratory order request four (4) asks the Department to declare that § 13-8-13(a)(1) "references § 13-8-9 as a whole" and "does not explicitly exclude either of the two subsections within § 13-8-9." This request is an improper use of the

declaratory order provision under the APA because it seeks a generalized interpretation of the relationship between two statutory provisions without identifying how the requested interpretation resolves a present uncertainty concerning Petitioner's legal rights. It is well established that declaratory relief requires an actual, justiciable controversy and that such relief is not intended to provide a forum for abstract questions or advisory opinions. *See McKenna,* 874 A.2d at 226; *Lamb,* 225 A.2d at 523. Declaratory order request four (4) does not seek to resolve existing uncertainty or provide relief concerning Petitioner's legal rights but rather seeks for the Department to endorse his legal interpretation of these statutes. In essence, this request is nothing more than a request for advisory opinion.

Lastly, declaratory order requests five and six fare no better. Request five seeks for the Department to declare that § 13-8-13(a)(1) "applies to 'lengthy sentences,' other than life sentences, habitual criminal enhancements, and non-parolable sentences." This request seeks a broad pronouncement on the statute's applicability to entire categories of sentences not before the Department. The request remains abstract notwithstanding Petitioner's assertion that his own sentence falls within the statute's scope. Declaratory order request six (6) asks the Department to declare that Petitioner's "correct parole eligibility is ten (10) years . . . or May 2026." Declaratory order requests five (5) and six (6) do not seek to resolve existing uncertainty or provide relief concerning Petitioner's legal rights. In substance, these requests seek to revisit the Department's prior application of § 13-8-1 et seq. and

obtain a different result through a declaratory order. The declaratory order process under the APA is not an appropriate vehicle for such relief.

The Rhode Island APA as it relates to the issuance of declaratory orders, is not a vehicle for obtaining individualized remedial relief or for seeking review of prior agency determinations and administrative actions concerning matters such as the calculation of Petitioner's parole eligibility date. A declaratory order exists to resolve genuine uncertainty about how an agency interprets or applies a statute it administers. None such uncertainty exists here. The Department has already determined and communicated to Petitioner that he is required to serve fifty (50) percent of his sentence before he is eligible to appear before the Parole Board for parole consideration in accordance with § 13-8-9. The Department's determination acknowledged that Petitioner was convicted of second degree murder with an offense date after July 1, 2015. There is no uncertainty about how the Department applied the parole law provisions in calculating Petitioner's parole eligibility date. Petitioner simply disagrees with the result.

Petitioner seeks to use the APA not to resolve uncertainty concerning his legal rights, but to obtain factual findings and admissions regarding the Department's past internal recordkeeping and to secure review and reconsideration of a final agency determination. Neither purpose falls within the scope of declaratory order proceedings or comports with well-established legal principles governing declaratory relief. Section 42-35-8 is not a vehicle for seeking reconsideration of past agency determination. For these reasons, the Petitioner is

not entitled to a declaratory order and/or ruling and the Department declines to issue each of the six declaratory orders requested in the Petition.

Lynne Corry
Interim Director
Rhode Island Department of Corrections

October 19, 2026

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 19th day of October 2026, that a copy of the within Decision was sent by mail to:

Jaime Barriera ID# 527530
Maximum Security
PO Box 8273
Cranston, RI 02920

/s/ Selena Fortes

EXHIBIT A

PETITION FOR DECLARATORY ORDER

LEGAL COUNSEL
JUL 21 2026
Department of Corrections

To: RI Dept. of Corrections
ATTN: Office of Legal Counsel
40 Howard Avenue
Cranston, RI 02920

No: _____

I. STATUTES IN QUESTION

R.I. Gen. Laws § 13-8-9(b), and § 13-8-13(a)(1).

II. STATEMENT OF FACTS

* Petitioner, Jamie Barriera, was sentenced on September 10, 2018 in: State v. Barriera, K2-2016-0268A, to serve a thirty-five (35) year term of imprisonment for one count of second-degree murder.
* Notably, Mr. Barriera's parole eligibility was initially correctly set by RIDOC in September 2018 at ten (10) years pursuant to R.I. Gen. Laws § 13-8-13(a)(1).
* But in 2021, RIDOC, without any notice or explanation, changed Mr. Barriera's parole eligibility from ten (10) years to seventeen and one-half (17½) years. This change of Mr. Barriera's parole eligibility was done in the absense of any change in relevant law or other authority.
* RIDOC is unlawfully isolating R.I. Gen. Laws § 13-8-9(b) in its application to Mr. Barriera's parole eligibility, when R.I. Gen. Laws § 13-8-13(a)(1) controls over the establishment

of his parole eligibility, because he would otherwise be "ineligible for a [parole] permit in less than ten (10) years[.]"

* Mr. Barriera's thirty-five (35) year sentence meets the criteria set forth in R.I. Gen. Laws § 13-8-13(a)(1) to trigger its application, and to have his parole eligibility set at ten (10) years.
* R.I. Gen. Laws § 13-8-13(a)(1) references § 13-8-9 as a whole, and therefore, unequivocally does not explicitly nor implicitly exclude neither of the two subsections within § 13-8-9 from its application to Mr. Barriera.
* The lack of any exclusion referenced in R.I. Gen. Laws § 13-8-13(a)(1) as to either of the two subsections within § 13-8-9 constitues inclusion of both subsections within § 13-8-9.

III. DECLARATORY ORDER REQUEST

* Mr. Barriera hereby seeks the following six declaratory orders pursuant to 240 RICR 000-00-2(1.4)(A)(5)(a), as to RIDOC's interpretation of R.I. Gen. Laws § 13-8-9(b), and § 13-8-13(a)(1); and insofar as to the manner in which § 13-8-9(b) and § 13-8-13(a)(1) applies to Mr. Barriera.

1. Declare that RIDOC had in fact applied R.I. Gen. Laws § 13-8-13(a)(1) when it initially set Mr. Barriera's parole eligibility on his thirty-five (35) year sentence at ten (10) years in 2018.
2. Correspondingly declare that RIDOC had applied R.I. Gen. Laws

§ 13-8-9(b) in isolation of § 13-8-13(a)(1) when it changed Mr. Barriera's parole eligibility on his thirty-five (35) year sentence from ten (10) years to seventeen and one-half (17½) years in 2021.

3. Correspondingly declare that there was no change in relevant law or other authority since the time when RIDOC established Mr. Barriera's parole eligibility in 2018 at ten (10) years, including but not limited to R.I. Gen. Laws § 13-8-9 and § 13-8-13.

4. Correspondingly declare that R.I. Gen. Laws § 13-8-13(a)(1) references § 13-8-9 as a whole, and that § 13-8-13(a)(1) does not explicitly exclude either of the two subsections within § 13-8-9.

5. Correspondingly declare that R.I. Gen. Laws § 13-8-13(a)(1) applies to "lengthy sentences," other than life sentences, habitual criminal enhancements, and non-parolable sentences, and that Mr. Barriera's thirty-five (35) year sentence is in fact within the purview of § 13-8-13(a)(1), and is controlling over Mr. Barriera's parole eligibility because the seventeen and one-half (17½) year parole eligibility established pursuant to § 13-8-9(b) makes him "ineligible for a [parole] permit in less than ten (10) years" and therefore meets the criteria to trigger § 13-8-13(a)(1) in its application to the establishment of Mr. Barriera's parole eligibility.

6. Correspondingly declare that Mr. Barriera's correct parole

eligibility is ten (10) years pursuant to R.I. Gen. Laws § 13-8-13(a)(1), or May 2026.

IV. RIGHT TO APPEAL

* Pursuant to 240 RICR 000-00-2(1.5)(C), Mr. Barriera retains his right to appeal RIDOC's declaratory order, or if applicable, its decision to decline to issue the requested declaratory order, to the RI superior Court.

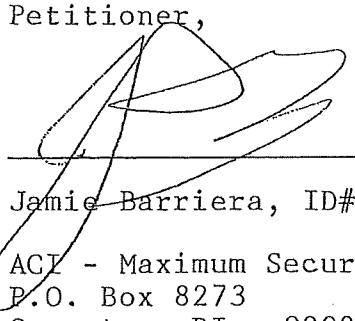
V. CONCLUSION

* WHEREFORE, Mr. Barriera respectfully prays that RIDOC issue this requested declaratory order.

Dated: July 17, 2026

Respectfully submitted,

Petitioner,



Jamie Barriera, ID# 527530

ACI - Maximum Security
P.O. Box 8273
Cranston, RI 02920

CC: file/JAB

EXHIBIT B

LEGAL COUNSEL

SEP 04 2026

Department of Corrections

Jamie Barriera, ID# 527530
ACI - Maximum Security
P.O. Box 8273
Cranston, RI 02920

September 1, 2026

To: RIDOC Office of Legal Counsel

This letter serves to provide supplemental information related to my pending Petition for Declaratory Order, dated July 17, 2026. Please consider the following additional information when issuing the requested declaratory order:

1. The Rhode island Supreme Court had applied R.I. Gen. Laws § 13-8-13(a)(1) to a term of 50 years to serve for murder. see State v. Mattatall, 219 A.3d 1288, 1291 (R.I. 2019).
2. R.I. Gen. Laws § 13-8-13 was simultaneously amended with § 13-8-9 in 2015, and again amended in 2021, and no repeal or amendment was made to subsection (a)(1). see Tiernan v. Magaziner, 270 A.3d 25, 31 (R.I. 2022) ("'[R]epeals by implication are not favored by the law,' and '[o]nly when the two statutory provisions are irreconcilably repugnant will a repeal be implied and the last-enacted statute be preferred.'") (quoting Such v. State, 950 A.2d 1150, 1156 (R.I. 2008)).
3. The application of R.I. Gen. Laws § 13-8-9(a) is limited to terms of imprisonment, other than life terms, murder convictions, and habitual criminal enhancements, which do not exceed thirty (30) years; otherwise, § 13-8-13(a)(1) is applicable to such terms of imprisonment which exceed thirty (30) years.
4. The application of R.I. Gen. Laws § 13-8-9(b) is limited to terms of imprisonment for murder convictions, other than life terms, which do not exceed twenty (20) years; otherwise, § 13-8-13(a)(1) is applicable to such terms of imprisonment which exceed twenty (20) years.

5. The Rhode Island Supreme Court had recently referenced R.I. Gen. Laws § 13-8-13(a)(1) without any suggestion that subsection (a)(1) was implicitly repealed or that it would otherwise only apply to § 13-8-9(a), and not to subsection (b). see Neves v. State, 316 A.3d 1197, 1208 (R.I. 2024).

Sincerely,

Jamie Barriera, ID# 527530

CC: file/JAB

EXHIBIT C

Jamie Barriera, ID#527530
ACI - Maximum Security
P.O. Box 8273
Cranston, RI 02920

LEGAL COUNSEL

SEP 2 8 2026

Department of Corrections

September 25, 2026

To: RIDOC Office of Legal Counsel

Please take this second supplement into consideration in your review of my pending Petition for Declaratory Order, dated July 17, 2026:

1. When the Legislature simultaneously amended R.I. Gen. Laws § 13-8-9 and § 13-8-13 in 2015, and § 13-8-13 again in 2021, it was certaintly free to exclude § 13-8-9£b· from this ambit of $ 13-8-13(a)(1); but it chose not to do so. see Kayak Ctr. at Wickford Cove, LLC v. Town of Narragansett, 116 A.3d 250, 254 (R.I. 2015) ("The Legislature is presumed to know the state of existing relevant law when it enacts or amends a statute.") (quoting Narragansett Food Servs v. Rhode Island Dep't of Labor, 420 A.2d 805, 808 (R.I. 1980)).
2. The language of R.I. Gen. Laws § 13-8-13(a)(1) is clear and unambiguous. The statute unequivocally applies to Mr. Barriera's 35 year prison term becuase parole eligibility pursuant to § 13-8-9(b) would otherwise make him "ineligible for a [parole] permit in less than ten (10) years."

Sincerely,

Jamie Barriera

CC: file/JAB