



## **RHODE ISLAND SUPREME COURT**

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April 24, 2025

**Via Electronic Mail (HouseJudiciary@rilegislature.gov)**

Chairman Robert E. Craven, Sr.

House Committee on the Judiciary

Rhode Island State House

House Lounge

Providence, RI 02903

**Re: House Bill #5664 An Act Relating to Criminal Procedure: State Crime Laboratory Commission**

Dear Chairman Craven:

I write on behalf of the Rhode Island Judiciary to respectfully express our concerns regarding House Bill #5664, scheduled to be heard and considered this evening before the House Judiciary Committee. If enacted, this legislation would require Chief Justice Paul A. Suttell of the Rhode Island Supreme Court to serve as one of the nine members of the Rhode Island State Crime Laboratory Commission (the Commission). Such service could potentially obligate Chief Justice Suttell to recuse himself from all Supreme Court matters involving the Rhode Island State Crime Laboratory (RISCL), thereby undermining the administration of justice in this state.

Currently, the RISCL, housed at the University of Rhode Island, offers science services to federal, state, and local law enforcement including, but are not limited to, firearm testing, fingerprinting, and analysis of trace evidence such as head hairs, fibers, gunshot residue, and fabrics. It goes without saying that the results of such services may serve as significant—often, dispositive—evidence in criminal and civil cases alike. The judicial officers hearing such cases are bound by the Code of Judicial Conduct (the Code) requiring them, among other things, to discharge their judicial duties in an impartial, unbiased, and fair manner. Appointing any judicial officer to the Commission, let alone the Chief Justice of the Supreme Court, would likely create at least the appearance of impropriety in any case involving RISCL output given the scope and nature of the Commission's authority over RISCL's operations. See G.L. 1956 12-1.1-8. Accordingly, the affected judicial officer would be obligated under Rule 2.11 of the Code to recuse him or herself from such cases to purge the appearance of impropriety occasioned by his or her Commission membership. See Rule 2.11, Comment [1]. Recusal is decidedly disruptive to the case parties, deprives the matter of the recusing judicial officer's expertise, and consumes judicial

resources. To the extent that Chief Justice Suttell could appoint a designee, that does not refute the appearance of impropriety.

By way of example, on average thirty (30) criminal cases per year appeared before the Supreme Court between 2021 through 2024. Further, in the last two years, the Supreme Court has remanded three (3) criminal matters back to the trial court to permit the state to withdraw projectile and/or ballistics evidence for further scientific examination. These cases illustrate the prevalence of criminal matters appearing before the Supreme Court. If Chief Justice Suttell were a sitting member of the Commission, he would have likely been obligated to recuse himself from many, if not all, of the criminal cases cited above pursuant to Rule 2.11, thereby reducing the Court's quorum and inhibiting the Supreme Court from efficiently administering justice.

Thank you for the opportunity to express the Judiciary's concerns regarding this bill.

Sincerely,



Chrisanne Wyrzykowski  
Deputy General Counsel  
Rhode Island Supreme Court