

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

STATE OF RHODE ISLAND

VS.

KEVIN FISETTE  
DOB: 6/26/55

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DISTRICT COURT NO: SECRET  
RHODE ISLAND STATE POLICE DEPT.

The Department of Attorney General has reviewed this case and determined it is non-prosecutable for the following reason:

- 1) The statutes that applied during the time period (1981-1982) of the alleged assaults are as follows:
  - a. 3<sup>rd</sup> degree sexual assault (11-37-6)  
(statute of limitations applies)
  - b. 2<sup>nd</sup> degree sexual assault (11-37-4)  
(statute of limitations applies)
  - c. 1<sup>st</sup> degree sexual assault (11-37-2)
    - 11-37-2(A) – victim is under 13 yrs. old (C/W was 13 or 14)
    - 11-37-2(C) – use of force or coercion (no evidence of force or coercion)
    - 11-37-2(D) – concealment or surprise (insufficient credible evidence of concealment or surprise)
- 2) Significant issue of inconsistencies in the complaining witness's statements.
- 3) Significant issues concerning the ability of the complaining witness to accurately recollect events after 27 years.

Please dismiss this case forthwith pursuant to Rule 48(a).

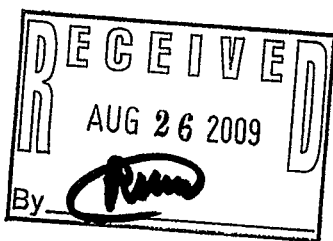
Respectfully Submitted,

STATE OF RHODE ISLAND

PATRICK C. LYNCH  
ATTORNEY GENERAL

  
ASSISTANT ATTORNEY GENERAL

8-14-09  
Date



cc: Det. Chris Dicomattis