

SUPREME COURT OF RHODE ISLAND

SWAP Property Management et al. v. Henrietta Shepard

No. 2024-328-Appeal (PD 24-1806) (R.I. Jan. 22, 2026) · No. No. 2024-328-Appeal (PD 24-1806) · Decided January 22, 2026

SUMMARY

The Rhode Island Supreme Court affirmed a Superior Court judgment awarding SWAP Property Management and Potters Avenue Area Revitalization, LP \$2,686.73 in unpaid rent, court costs, and possession of the rental property. The Court held that the defendant failed to show that the trial justice overlooked or misconceived material evidence or clearly erred in determining the amount owed. The Court also declined to consider the defendant’s contention that she was no longer in arrears as of July 19, 2024, because that assertion postdated the judgment.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Suttell; Justice Goldberg; Justice Robinson; Justice Lynch Prata; Justice Long
JURISDICTION	Rhode Island Supreme Court
DECIDED	January 22, 2026
DOCKET	No. 2024-328-Appeal (PD 24-1806)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed an eviction judgment from the Providence County Superior Court to the Rhode Island Supreme Court.
STANDARD OF REVIEW	The Supreme Court applies a deferential standard to factual findings by a Superior Court justice sitting without a jury and will not disturb those findings absent a showing that the justice overlooked or misconceived material evidence or clearly erred. The Court also defers to inferences and conclusions drawn from the testimony and evidence.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court order
PARTIES	Henrietta Shepard v. SWAP Property Management, Potters Avenue Area Revitalization, LP

TOPICS

eviction

landlord tenant

standard of review

preservation of error

appellate procedure

PRACTICE AREAS

landlord-tenant law

appellate procedure

civil procedure

eviction

real estate remedies

QUESTIONS PRESENTED

1. Whether the Superior Court clearly erred in determining that defendant owed plaintiffs \$2,686.73 in unpaid rent.
2. Whether defendant could rely on her claim that she was no longer in arrears as of July 19, 2024, when that contention postdated the Superior Court's judgment and was not properly presented below.

HOLDINGS

1. The Superior Court did not clearly err in finding that defendant owed plaintiffs \$2,686.73, because defendant identified no material evidence that the trial justice overlooked or misconceived.
2. Defendant's contention that she was no longer in arrears as of July 19, 2024, did not establish error in the April 2024 judgment because the contention postdated the judgment and was not properly presented to the trial court.
3. An appeal to the Superior Court in a landlord-tenant action proceeds on a de novo basis.

KEY QUOTATIONS

“This Court applies a deferential standard of review to the factual findings of a Superior Court justice sitting without a jury.” (-3-)

“We will not disturb the trial justice’s findings absent a showing that she or he overlooked or misconceived material evidence, or clearly erred in coming to her or his decision.” (-3-)

“Finally, “we give deference to the inferences and conclusions drawn by the trial justice from the testimony and evidence presented.”” (-3-)

FACTUAL BACKGROUND

Plaintiffs sought eviction for nonpayment of rent, alleging that defendant owed rent on a rental property. At the Superior Court's de novo trial, plaintiffs presented evidence that defendant accrued \$6,502.73 in rent, paid \$3,816, and owed a balance of \$2,686.73. Defendant referred to money-order receipts and acknowledged being approximately \$400 in arrears, but did not provide sufficient documentary evidence to establish that she owed less than the amount claimed. She later argued on appeal that she was no longer in arrears as of July 19, 2024, after the April 2024 judgment.

PROCEDURAL HISTORY

Plaintiffs filed a nonpayment-of-rent eviction action in the Sixth Division District Court. The District Court entered judgment for plaintiffs for \$2,221, including costs. Defendant appealed to the Superior Court, where the

matter was tried de novo and judgment entered for plaintiffs for \$2,686.73, court costs, and possession of the rental property. Defendant then timely appealed to the Rhode Island Supreme Court, which affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers in the case were remanded to the Superior Court following affirmance.

CASES CITED

- Red Gate Motel, Inc. v. Albanese, 317 A.3d 1123 (R.I. 2024)
- Naughton v. Guilloteau, 219 A.3d 742 (R.I. 2019) (mem.)
- Cronan v. Cronan, 307 A.3d 183 (R.I. 2024)
- Donnelly Real Estate, LLC v. John Crane Inc., 291 A.3d 987 (R.I. 2023)

OPINION

PER CURIAM.

Supreme Court No. 2024-328-Appeal. (PD 24-1806) SWAP Property Management et al.: v.: Henrietta Shepard.: ORDER This case came before the Supreme Court on the pro se appeal by the defendant, Henrietta Shepard (Shepard or defendant), from a judgment of the Superior Court entered in favor of the plaintiffs, SWAP Property Management and Potters Avenue Area Revitalization, LP (plaintiffs).

Having reviewed the parties’ written and oral arguments, we conclude that cause has not been shown and proceed to decide the appeal at this time. We affirm. On November 21, 2023, plaintiffs filed a complaint in the Sixth Division District Court for eviction for nonpayment of rent.

The complaint indicated that a five-day demand notice had been served and alleged that defendant owed \$804 in past rent. After the passage of time during which additional rent payments accrued, and at the close of the District Court proceeding, the trial judge entered judgment and awarded plaintiffs \$2,221, including costs. Shepard filed a timely notice of appeal to the Superior Court. -1- Before the Superior Court, the trial justice conducted a trial de novo.

See Red Gate Motel, Inc. v. Albanese, 317 A.3d 1123, 1127 n.2 (R.I. 2024) (“[A]n appeal to the Superior Court in landlord-tenant actions proceeds on a de novo basis.”) (quoting Naughton v. Guilloteau, 219 A.3d 742, 742 (R.I. 2019) (mem.)).

The plaintiffs presented the testimony of Alyssa Degnan, a senior assistant portfolio manager at SWAP Property Management. Degnan related that during the September 2023 through April 19,

2024 time period, defendant accrued rent in the amount of \$6,502.73, yet paid \$3,816, thus resulting in a balance due of \$2,686.73. Degnan asserted that plaintiffs sought a judgment in the amount of \$2,686.73, plus court costs, and possession of the rental property.

The defendant appeared before the Superior Court pro se. The record reflects that Shepard was afforded the opportunity to cross-examine Degnan and to testify on her own behalf. In sum, Shepard contested the amount in dispute, indicating that she had money-order receipts, but acknowledged being \$400 in arrears. At the conclusion of the hearing, the trial justice declared that, based upon the evidence presented, he had “no alternative but to grant the relief being sought by [plaintiffs] * * *.” In so doing, the trial justice observed that the documentary evidence offered by defendant was “really incomplete and not of any assistance to the [c]ourt at all.” Accordingly, judgment entered in favor of plaintiffs, awarding -2- \$2,686.73, court costs, and possession of the rental property.

Shepard filed a timely appeal to this Court. On appeal, Shepard contests the trial justice’s factual determination. She claims that as of July 19, 2024, she was not in arrears. The defendant appeared at oral argument, at which she again referenced money-order receipts, but she presents no evidentiary support for this assertion, nor does she articulate a legal argument or direct our attention to any portion of the Superior Court record to advance the claim of error. “This Court applies a deferential standard of review to the factual findings of a Superior Court justice sitting without a jury.” *Red Gate Motel, Inc.*, 317 A.3d at 1126. “We will not disturb the trial justice’s findings absent a showing that she or he overlooked or misconceived material evidence, or clearly erred in coming to her or his decision.” *Id.* Finally, “we give deference to the inferences and conclusions drawn by the trial justice from the testimony and evidence presented.” *Id.* Having carefully examined the record and the parties’ arguments, we discern no error.

The record reflects that the defendant acknowledged in fact that she was \$400 in arrears but was steadfast that she did not owe the amount sought by the plaintiffs (\$2,686.73). As noted, the trial justice’s determination to the contrary is entitled to deference, absent evidence that he overlooked or misconceived material evidence. See *Red Gate Motel, Inc.*, 317 A.3d at 1126.

The defendant fails to direct -3- our attention to any material evidence overlooked or misconceived by the trial justice. Finally, we observe that the defendant’s appellate argument that, as of July 19, 2024, she was no longer in arrears is of no moment because this contention postdates the April 2024 judgment. See, e.g., *Cronan v. Cronan*, 307 A.3d 183, 192 (R.I.

2024) (“[I]ssues not properly presented before the trial court may not be raised for the first time on appeal.”) (quoting *Donnelly Real Estate, LLC v. John Crane Inc.*, 291 A.3d 987, 994 (R.I. 2023)). We discern no error in the trial justice’s determination.

For these reasons the judgment of the Superior Court is affirmed. The papers in this case are remanded to the Superior Court. Entered as an Order of this Court this ____ day of _____, 2026. By Order, _____ Clerk -4- STATE OF RHODE ISLAND SUPREME COURT – CLERK’S OFFICE Licht Judicial Complex 250 Benefit Street Providence, RI 02903 ORDER COVER SHEET SWAP Property Management et al. v. Henrietta Title of Case Shepard.

No. 2024-328-Appeal. Case Number (PD 24-1806) Date Order Filed January 22, 2026 Suttell, C.J., Goldberg, Robinson, Lynch Prata, and Justices Long, JJ. Source of Appeal Providence County Superior Court Judicial Officer from Lower Court Associate Justice Daniel A. Procaccini For Plaintiffs: Sean T. O’Leary, Esq. Attorney(s) on Appeal For Defendant: Henrietta Shepard, pro se SU-CMS-02B (revised November 2022)