

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT VERRECCHIA

v.

C.A. No. 06 - 496 S

JAMES WEEDEN, et al.

O R D E R

This matter is before the Court on petitioner Albert Verrecchia's objection to a Report and Recommendation issued by U.S. Magistrate Judge Lincoln D. Almond on July 17, 2007. Magistrate Judge Almond's Report and Recommendation recommends that the State's motion to dismiss be granted and Verrecchia's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied and dismissed with prejudice.

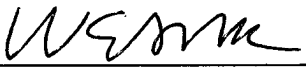
Upon consideration of the Report and Recommendation, of Verrecchia's objection thereto, of the oral argument in this matter, and upon a *de novo* review of the record in this case, petitioner's objection is overruled, and the Report and Recommendation is hereby accepted and adopted pursuant to 28 U.S.C. § 636(b)(1).

Furthermore, in his objection to the Report and Recommendation, and at the oral argument held in this matter, petitioner sought an evidentiary hearing in an effort to develop the factual basis for his "speedy trial" claim, citing as authority Townsend v. Sain, 372 U.S. 293 (1963). However, the legal

landscape for Section 2254 petitions has been changed by the Anti-Terrorism and Effective Death Penalty Act of 1996, P. L. No. 104-208, 110 Stat. 3009-546. Significantly, AEDPA superceded Townsend, in part, and forecloses an evidentiary hearing, where, as here, the petitioner had the opportunity in the State courts to develop the claim fully but failed to do so. See 28 U.S.C. § 2254(e)(2).

Accordingly, judgement shall enter for the Respondents forthwith.

IT IS SO ORDERED.



William E. Smith
United States District Judge
September 12, 2007