

SUPREME COURT OF RHODE ISLAND

State v. Letts

986 A.2d 1006 (R.I. 2010) · No. No. 2007-324-CA · Decided January 26, 2010

SUMMARY

The Rhode Island Supreme Court affirmed Gary Letts's misdemeanor conviction for obtaining money by false pretenses after he accepted a \$400 paving deposit and failed to perform the contracted work. The court held that sufficient evidence supported findings that Letts misrepresented his present intention to perform within a reasonable time and intended to cheat or defraud the customers.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Flaherty; Chief Justice Suttell; Justice Goldberg; Justice Robinson
JURISDICTION	Rhode Island
DECIDED	January 26, 2010
DOCKET	No. 2007-324-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Gary Letts appealed his misdemeanor conviction for obtaining money by false pretenses following a nonjury trial in the Superior Court.
STANDARD OF REVIEW	In a jury-waived criminal proceeding, the Supreme Court defers to the trial justice's factual findings and will not overturn them unless the trial justice overlooked or misconceived relevant and material evidence or was clearly wrong. The Court reviews the record to determine whether sufficient evidence supports the trial justice's conclusion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Gary Letts v. State of Rhode Island

TOPICS

criminal procedure

standard of review

appellate procedure

contracts

burden of proof

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether sufficient evidence supported the finding that Letts obtained the Apontes' \$400 deposit through a false representation concerning his intention to perform the paving contract.
2. Whether sufficient evidence supported the finding that Letts acted with intent to cheat or defraud when he accepted the deposit.

HOLDINGS

1. A misrepresentation concerning a future transaction, including a misrepresentation of a present intention to perform a future contractual obligation, constitutes a false pretense under G.L. 1956 § 11-41-4.
2. The intent to cheat or defraud required for obtaining money by false pretenses was established when Letts intentionally used the false representation concerning performance to induce the Apontes to pay the \$400 deposit.
3. The trial justice's findings that Letts misrepresented his intention to perform and intended to cheat or defraud were supported by sufficient evidence and were not clearly wrong.

KEY QUOTATIONS

"Therefore, 'the rule in this state is that a misrepresentation with regard to a future transaction, no less than one relating to an existing fact, is a false pretense within the meaning of § 11-41-4.'" (986 A.2d at 1011)

"'[T]he crime is complete when the defendant intentionally uses false pretenses to induce another to alter or terminate any of that person's rights or powers concerning the money or property with the intent to cheat or defraud that person.'" (986 A.2d at 1012)

"An innocent or negligent misrepresentation is insufficient to convict; the defendant must intend to defraud." (986 A.2d at 1012)

FACTUAL BACKGROUND

Gary Letts, a paving contractor, entered into a written contract with Luis and Barbara Aponte on May 5, 2003, and accepted a \$400 deposit. The contract contained a circled number 27, which the trial justice found indicated that Letts represented he would perform the paving work within a reasonable time after May 27, when the Apontes returned from vacation. Letts never paved the driveway, stopped responding to the Apontes by mid-June, and did not return the deposit before his conviction. At the time, Letts had a substantial backlog and was experiencing weather, personnel, equipment, and financial difficulties.

PROCEDURAL HISTORY

Letts was arraigned in District Court in November 2003. The misdemeanor charge was transferred to the Superior Court in February 2004 and consolidated with two felony false-pretenses charges. After a bench trial, the Superior Court found Letts guilty of the misdemeanor, imposed a one-year suspended sentence and one year

of probation, and found him not guilty on the two felony charges. The Supreme Court of Rhode Island affirmed the misdemeanor conviction.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

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

CASES CITED

- State v. Forand, 958 A.2d 134 (R.I. 2008)
- State v. Harris, 871 A.2d 341 (R.I. 2005)
- Barone v. Cotroneo, 711 A.2d 648 (R.I. 1998) (mem.)
- State v. Silvia, 798 A.2d 419 (R.I. 2002)
- State v. Traficante, 636 A.2d 692 (R.I. 1994)
- State v. Aurgemma, 116 R.I. 425, 358 A.2d 46 (1976)
- State v. Markarian, 551 A.2d 1178 (R.I. 1988)
- State v. McMahon, 49 R.I. 107, 140 A. 359 (1928)
- State v. Fiorenzano, 690 A.2d 857 (R.I. 1997)
- State v. LaRoche, 683 A.2d 989 (R.I. 1996)