

SUPREME COURT OF RHODE ISLAND

State v. Washington

42 A.3d 1265 (R.I. 2012) · No. No. 2010-408-M.P. · Decided May 17, 2012

SUMMARY

The Rhode Island Supreme Court reviewed an adjudication finding Shurron Washington in violation of probation based on an alleged assault at the Community College of Rhode Island. The court held that the hearing justice reasonably credited the eyewitness identifications and other prosecution evidence, rejected the conflicting defense testimony, and did not act arbitrarily or capriciously. The court affirmed the Superior Court's judgment revoking the suspended ten-year sentence.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Robinson; Chief Justice Suttell; Justice Goldberg; Justice Flaherty
JURISDICTION	Rhode Island
DECIDED	May 17, 2012
DOCKET	No. 2010-408-M.P.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant petitioned for a writ of certiorari to review a Superior Court adjudication finding him to be a probation violator and revoking the suspension of his previously imposed ten-year sentence.
STANDARD OF REVIEW	The Supreme Court reviews a probation-violation adjudication only to determine whether the hearing justice acted arbitrarily or capriciously in assessing witness credibility or finding a violation. The Court gives considerable deference to credibility and reliability determinations based on live testimony. At a probation-violation hearing, the State must present reasonably satisfactory evidence, a burden substantially lower than proof beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Shurron Washington v. State of Rhode Island

TOPICS

probation

criminal procedure

appellate procedure

standard of review

evidence

PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether the Superior Court hearing justice acted arbitrarily or capriciously in finding Washington to be a probation violator based principally on eyewitness identification testimony.
2. Whether the evidence constituted reasonably satisfactory evidence that Washington breached the condition of probation requiring him to keep the peace and remain of good behavior.

HOLDINGS

1. The hearing justice did not act arbitrarily or capriciously in crediting the complaining witness's multiple identifications and the corroborating identification by a second witness while rejecting the defense evidence.
2. The State presented reasonably satisfactory evidence that Washington violated probation by failing to keep the peace and remain of good behavior.

KEY QUOTATIONS

"For the reasons set forth in this opinion, we affirm the judgment of the Superior Court." (42 A.3d at 1266)

"The only issue for a hearing justice to consider at a probation violation hearing is "whether or not the defendant has breached a condition of his or her probation by failing to keep the peace or remain on good behavior."" (42 A.3d at 1271)

"the state need only show that reasonably satisfactory evidence supports a finding that the defendant has violated his or her probation."" (42 A.3d at 1271)

*"When * * * an inquiry as to whether defendant [has] violated his probation turns on a determination of credibility, and after considering all the evidence, the hearing justice accepts one version of events for plausible reasons stated and rationally rejects another version, this Court can safely conclude that the hearing justice did not act unreasonably or arbitrarily in finding that a probation violation has occurred.""* (42 A.3d at 1272)

FACTUAL BACKGROUND

Washington was on probation after pleading nolo contendere to assault with intent to commit specified felonies and receiving a fifteen-year sentence, with five years to serve and the remaining ten years suspended. The State alleged that he committed an assault with a dangerous weapon and an assault with intent to commit sexual assault at the Community College of Rhode Island. Two witnesses identified Washington from photographic arrays and in court, while Washington and family members offered an alibi and denied that he owned the black puffy jacket described by the complaining witness. The hearing justice credited the State's witnesses, rejected the

defense testimony as confused, found that Washington had violated probation, and revoked the suspended sentence.

PROCEDURAL HISTORY

Washington had previously pleaded nolo contendere and received a fifteen-year sentence, with five years to serve and the balance suspended for ten years of probation. After his arrest on assault charges, the State filed a probation-violation report. Following a May 6-7, 2009 hearing, the Superior Court found that Washington had violated probation and ordered him to serve the suspended ten-year sentence. The Supreme Court of Rhode Island granted certiorari and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Christodal, 946 A.2d 811, 816 (R.I. 2008)
- State v. Lancellotta, 35 A.3d 863, 867 (R.I. 2012)
- State v. Shepard, 33 A.3d 158, 163-64 (R.I. 2011)
- State v. Horton, 971 A.2d 606, 610 (R.I. 2009)
- State v. Tetreault, 973 A.2d 489, 491-92 (R.I. 2009)
- State v. Bouffard, 945 A.2d 305, 310 (R.I. 2008)
- State v. English, 21 A.3d 403, 407 (R.I. 2011)
- State v. Gauthier, 15 A.3d 1004, 1007 (R.I. 2011)
- State v. Sylvia, 871 A.2d 954, 957 (R.I. 2005)
- State v. Jensen, 40 A.3d 771, 780 (R.I. 2012)
- State v. Seamans, 935 A.2d 618, 624 (R.I. 2007)
- State v. DiCarlo, 987 A.2d 867, 872 (R.I. 2010)
- State v. Ferrara, 883 A.2d 1140, 1144 (R.I. 2005)
- Perry v. New Hampshire, 565 U.S. 228, 132 S. Ct. 716, 181 L. Ed. 2d 694 (2012)