

SUPREME COURT OF RHODE ISLAND

State v. Jimenez

882 A.2d 549 (R.I. 2005) · No. No. 2003-640-C.A. · Decided June 24, 2005

SUMMARY

The Rhode Island Supreme Court affirmed Mariano Jimenez's convictions for first-degree murder, felony assault, and carrying a pistol without a license. The court held that cross-examination about Jimenez's prior experience with the specific firearm was relevant to his claim that the fatal shooting was accidental and did not constitute reversible error. The court also held that the evidence of intoxication did not warrant a diminished-capacity manslaughter instruction.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Robinson, J.; Williams, C.J.; Goldberg, J.; Flaherty, J.; Suttell, J.
JURISDICTION	Rhode Island
DECIDED	June 24, 2005
DOCKET	No. 2003-640-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his jury convictions for first-degree murder, felony assault, and carrying a pistol without a license, challenging evidentiary rulings and the refusal to give a diminished-capacity manslaughter instruction.
STANDARD OF REVIEW	Evidentiary rulings concerning the scope and extent of cross-examination are reviewed for abuse of discretion and only when the ruling caused prejudice. A requested lesser-included-offense instruction is warranted only when the evidence, however minimal, would permit a reasonable jury to find the defendant incapable of forming the specific intent required for murder.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Mariano Jimenez v. State of Rhode Island

TOPICS

- criminal procedure
- evidence
- character evidence
- lesser included offense instructions
- jury instructions

PRACTICE AREAS

criminal law

criminal procedure

evidence

QUESTIONS PRESENTED

1. Whether the trial justice abused his discretion by allowing cross-examination concerning Jimenez's prior experience firing the particular pistol used in the shooting.
2. Whether the trial justice erred by refusing to instruct the jury on diminished-capacity manslaughter based on voluntary intoxication.

HOLDINGS

1. The trial justice did not abuse his discretion by permitting the prosecutor to ask Jimenez about his prior experience firing the particular pistol because the questions were relevant to his claim that the pistol malfunctioned and that the fatal discharge was accidental.
2. The trial justice properly refused to instruct the jury on diminished-capacity manslaughter because the evidence did not permit a reasonable jury to find that Jimenez's intoxication rendered him incapable of forming the specific intent necessary for murder.

KEY QUOTATIONS

"By testifying that the killing of Clemente was directly attributable to the malfunctioning of his gun, defendant opened the door to questions about his previous experience with that specific gun." (882 A.2d at 554)

"To be entitled to a diminished-capacity manslaughter instruction by reason of intoxication, the level of intoxication must be 'of such a degree as to completely paralyze the will of the respondent, take from him the power to withstand evil impulses and render his mind incapable of forming any sane design.'" (882 A.2d at 555)

FACTUAL BACKGROUND

During a party in Providence, Mariano Jimenez became involved in an altercation with Manuel Clemente. Jimenez testified that after firing a shot inside the apartment and attempting to clear a jammed pistol, the gun accidentally discharged as Clemente left the building, killing Clemente. Jimenez had been drinking, but his testimony also described purposeful conduct before and after the shooting, including cooking and serving food, arranging a taxi, fleeing, disposing of the gun and magazine, renting a motel room, and later contacting his sister.

PROCEDURAL HISTORY

Jimenez was indicted by a grand jury on murder, felony assault, carrying a pistol without a license, and possession of a firearm by a fugitive from justice. He pleaded guilty to the fugitive-from-justice firearm-possession count, and a jury convicted him of the remaining charges. The Superior Court imposed a life sentence for murder, a concurrent ten-year term on the firearm-possession count, and consecutive concurrent ten-year suspended terms with probation on the remaining counts. The Supreme Court of Rhode Island affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers in the case may be remanded to the Superior Court.

CASES CITED

- State v. Sivo, 809 A.2d 481, 490 (R.I. 2002)
- State v. Roderigues, 656 A.2d 192, 194 (R.I. 1995)
- State v. Benevides, 420 A.2d 65, 69 (R.I. 1980)
- State v. Jalette, 119 R.I. 614, 624, 627, 382 A.2d 526, 531, 533 (1978)
- State v. Brash, 512 A.2d 1375, 1382 (R.I. 1986)
- State v. Neri, 593 A.2d 953, 956 (R.I. 1991)
- State v. Bettencourt, 723 A.2d 1101, 1107 (R.I. 1999)
- State v. Toole, 640 A.2d 965, 972 (R.I. 1994)
- State v. Evans, 618 A.2d 1283, 1284 (R.I. 1993)
- State v. Hockenhull, 525 A.2d 926, 930 (R.I. 1987)
- State v. Johnson, 667 A.2d 523, 528-529 (R.I. 1995)
- State v. Figueras, 644 A.2d 291, 294 (R.I. 1994)
- State v. Vanasse, 42 R.I. 278, 281, 107 A. 85, 86 (1919)
- State v. Sanden, 626 A.2d 194, 199 (R.I. 1993)
- State v. Correra, 430 A.2d 1251, 1254 (R.I. 1981)
- State v. Amazeen, 526 A.2d 1268, 1272 (R.I. 1987)
- State v. Edwards, 810 A.2d 226, 235 (R.I. 2002)
- State v. Amaral, 47 R.I. 245, 249-250, 132 A. 547, 549-50 (1926)
- State v. Giordano, 440 A.2d 742, 745 (R.I. 1982)