

SUPREME COURT OF RHODE ISLAND

State v. Erwin Grantley

149 A.3d 124 (R.I. 2016) · No. 2015-27-C.A. (P1/09-2498A) · Decided November 28, 2016

SUMMARY

The Rhode Island Supreme Court affirmed Erwin Grantley’s convictions for assault with a dangerous weapon in a dwelling house and breaking and entering of a dwelling house. The court held that sufficient evidence supported the finding that Grantley lacked consent to enter the victim’s home and rejected his request to recognize implied consent as a separate defense. The court also upheld the denial of a new trial, deferring to the trial justice’s credibility and evidentiary determinations.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Associate Justice Gilbert V. Indeglia; Chief Justice Suttell; Justice Goldberg; Justice Flaherty; Justice Robinson; Justice Indeglia
JURISDICTION	Rhode Island
DECIDED	November 28, 2016
DOCKET	2015-27-C.A. (P1/09-2498A)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from judgments entered after a jury convicted him of assault with a dangerous weapon in a dwelling house and breaking and entering of a dwelling house. He challenged the denial of his Rule 29 motions for judgment of acquittal and Rule 33 motions for a new trial.
STANDARD OF REVIEW	The Supreme Court first reviews the denial of a Rule 33 motion for a new trial because it is governed by a less stringent standard than a Rule 29 motion. A Rule 33 ruling receives great deference and will not be overturned unless the trial justice overlooked or misconceived material evidence or was clearly wrong. For Rule 29, the evidence is viewed in the light most favorable to the State, giving full credibility to the State's witnesses and drawing reasonable inferences consistent with guilt.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Erwin Grantley v. State of Rhode Island

TOPICS

criminal procedure

statutory interpretation

burden of proof

evidence

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the State failed to prove lack of consent for the breaking-and-entering conviction because Grantley allegedly had implied consent based on his prior relationship with Bruce.
2. Whether the trial justice improperly denied Grantley's Rule 33 motion for a new trial on the breaking-and-entering count.
3. Whether the evidence was insufficient to support the assault-with-a-dangerous-weapon conviction because the State did not establish that Grantley caused Bruce's chest wound or acted with intent to kill.

HOLDINGS

1. Rhode Island law does not require recognition of a separate implied-consent defense because a defendant may argue that he had consent to enter under the breaking-and-entering statute. The State retains the ultimate burden of proving lack of consent beyond a reasonable doubt, although it may first establish a prima facie case and thereby shift the burden of production to the defendant.
2. The trial justice properly denied the motion for a new trial because she applied the Rule 33 standard, independently assessed credibility and the weight of the evidence, and reasonably found that Grantley lacked permission to enter Bruce's home.
3. The trial justice properly denied the Rule 33 motion because the evidence supported findings that Grantley assaulted Bruce with a dangerous weapon in the dwelling and acted with intent to murder her.

KEY QUOTATIONS

“Ultimately, as with all elements of the offense, the state must prove lack of consent beyond a reasonable doubt.” (-11-)

“While proof of verbal permission to enter may be one way to show consent, this Court has not explicitly stated that it is the only way to do so.” (-12-)

“We are satisfied that the trial justice properly decided defendant’s motion for a new trial with respect to all of the elements of the breaking and entering count.” (-13-)

“In conducting her analysis, she considered the evidence, assessed the witnesses’ credibility, and determined that she would not have reached a different result than the jury.” (-16-)

FACTUAL BACKGROUND

Grantley and Crystal Bruce had an on-again, off-again relationship, and Grantley had lived with Bruce for approximately eight months, but he did not live at her Providence home when the incident occurred and did not

have keys to it. On May 28, 2009, Bruce returned home and found Grantley inside without her invitation; he assaulted and strangled her, threatened that if he could not have her nobody else would, and left after taking her keys and cell phone. Bruce suffered serious injuries, including a collapsed lung, a chest wound, bleeding in the brain, ligature marks, and blunt-force injuries. Bruce and her sons testified that Grantley did not have permission to be in the house, and the trial justice credited their testimony despite evidentiary and investigative shortcomings.

PROCEDURAL HISTORY

A Providence County Superior Court jury convicted Grantley on the assault and breaking-and-entering counts on May 3, 2012, while acquitting him of driving without the owner's consent and larceny under \$500. The trial justice denied his renewed Rule 29 motion and first Rule 33 motion on May 30, 2012, and later denied a second new-trial motion based on newly discovered evidence. The Supreme Court of Rhode Island reviewed the challenged rulings and affirmed the judgment.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The materials associated with the case may be remanded to the Providence County Superior Court.

CASES CITED

- State v. Fleck, 81 A.3d 1129, 1133 (R.I. 2014)
- State v. Gaffney, 63 A.3d 888, 893 (R.I. 2013)
- State v. Cardin, 987 A.2d 248, 250 (R.I. 2010)
- State v. Caba, 887 A.2d 370, 372 (R.I. 2005)
- State v. Matthews, 111 A.3d 390, 398 (R.I. 2015)
- State v. Hie, 93 A.3d 963, 974 (R.I. 2014)
- State v. Pineda, 13 A.3d 623, 640 (R.I. 2011)
- State v. Florez, 138 A.3d 789, 793-95 (R.I. 2016)
- State v. Whitaker, 79 A.3d 795, 804 (R.I. 2013)
- State v. Bunnell, 47 A.3d 220, 233 (R.I. 2012)
- State v. Ranieri, 560 A.2d 350, 352 (R.I. 1989)
- State v. Dyer, 813 A.2d 71, 75-76 (R.I. 2003)
- State v. Karngar, 29 A.3d 1232, 1234-36 (R.I. 2011)
- State v. Cardona, 969 A.2d 667, 674 (R.I. 2009)
- State v. Hesford, 900 A.2d 1194, 1200 (R.I. 2006)
- State v. Virola, 115 A.3d 980, 993 (R.I. 2015)
- State v. Silva, 84 A.3d 411, 417-18 (R.I. 2014)

- DeCiantis v. State, 24 A.3d 557, 572 (R.I. 2011)
- McKinney v. State, 653 N.E.2d 115, 118 (Ind. Ct. App. 1995)
- State v. Tolley, 226 S.E.2d 672, 674 (N.C. Ct. App. 1976)

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