

# SUPREME COURT OF RHODE ISLAND

## State v. Brittany Michaud

No. 2018-277-C.A. (P 16-114CR) (R.I. May 26, 2021) · No. 2018-277-C.A. (P 16-114CR) · Decided May 26, 2021

### SUMMARY

The Rhode Island Supreme Court vacated Brittany Michaud’s Family Court conviction for cruelty to or neglect of a child. The Court held that the record did not demonstrate that the trial justice determined whether Michaud knowingly, intelligently, and voluntarily waived her constitutional right to a jury trial under Superior Court Rule of Criminal Procedure 23(a). The case was remanded for transfer to the Superior Court for a new trial.

### CASE DETAILS

|                       |                                                                                                                                                                     |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Rhode Island                                                                                                                                       |
| WRITING FOR THE COURT | Chief Justice Paul A. Suttell; Chief Justice Suttell; Justice Goldberg; Justice Robinson; Justice Lynch Prata; Justice Long                                         |
| JURISDICTION          | Rhode Island                                                                                                                                                        |
| DECIDED               | May 26, 2021                                                                                                                                                        |
| DOCKET                | 2018-277-C.A. (P 16-114CR)                                                                                                                                          |
| DISPOSITION           | vacated                                                                                                                                                             |
| PROCEDURAL POSTURE    | Defendant appealed from a Family Court judgment of conviction following a bench trial for cruelty to or neglect of a child.                                         |
| STANDARD OF REVIEW    | De novo review applies to the interpretation of statutes and court rules. Clear and unambiguous statutory or rule language is given its plain and ordinary meaning. |
| PRECEDENTIAL VALUE    | precedential                                                                                                                                                        |
| PARTIES               | Brittany Michaud v. State of Rhode Island                                                                                                                           |

### TOPICS

criminal procedure appellate procedure constitutional law standard of review

### PRACTICE AREAS

criminal procedure constitutional law appellate procedure

## QUESTIONS PRESENTED

1. Whether the Family Court violated the defendant's constitutional right to a jury trial and Superior Court Rule of Criminal Procedure 23(a) by conducting a bench trial without determining that her jury-trial waiver was knowing, intelligent, and voluntary.
2. Whether the trial justice erred in finding habitual neglect.

## HOLDINGS

1. A defendant's waiver of the constitutional right to a jury trial is valid only when the trial justice determines that the defendant knowingly, intelligently, and voluntarily understands and accepts the consequences of the waiver. A written waiver and the defendant's acknowledgment alone do not satisfy that requirement when the record contains no meaningful documentation of the trial justice's determination.
2. The court did not reach the defendant's challenge to the habitual-neglect finding because the judgment was vacated on the jury-trial-waiver issue.

## KEY QUOTATIONS

*“there must be some meaningful documentation in the record indicating that the trial justice made a determination that the defendant understood the right that he or she was giving up, and that he or she did so voluntarily.” (-6)*

*“For the reasons set forth herein, we vacate the judgment of the Family Court. The case is remanded to the Family Court with instruction to transfer the case to the Superior Court for a new trial.” (-7)*

## FACTUAL BACKGROUND

Michaud was charged with having custody and control of her fifteen-month-old daughter and wrongfully causing the child to suffer for want of proper care or oversight. Although the case had been agreed to as a nonjury trial, no jury waiver had been placed in the record before trial began. After two witnesses had testified, the prosecutor raised the absence of a signed waiver, and Michaud subsequently signed a written waiver and stated, "I acknowledge that I waive my right for a jury." The trial justice did not determine on the record whether Michaud understood and accepted the consequences of waiving her jury-trial right.

## PROCEDURAL HISTORY

Michaud was charged in 2016 under G.L. 1956 § 11-9-5. A bench trial occurred in the Family Court from September 18 through October 6, 2017. The trial justice found her guilty on December 13, 2017, and judgment entered on January 29, 2018. Michaud timely appealed to the Rhode Island Supreme Court, which vacated the judgment and remanded with instructions to transfer the case to the Superior Court for a new trial.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

The case was remanded to the Family Court with instruction to transfer it to the Superior Court for a new trial pursuant to § 11-9-9.

## CASES CITED

- State v. Morais, 203 A.3d 1150, 1154, 1156, 1158 (R.I. 2019)
- State v. Goncalves, 941 A.2d 842, 847 (R.I. 2008)
- Cashman Equipment Corporation, Inc. v. Cardi Corporation, Inc., 139 A.3d 379, 382 (R.I. 2016)
- State v. Moran, 605 A.2d 494, 496 (R.I. 1992)
- State v. Cruz, 517 A.2d 237, 243 (R.I. 1986)