

SUPREME COURT OF RHODE ISLAND

Lett v. Giuliano

35 A.3d 870 (R.I. 2012) · Decided January 9, 2012

SUMMARY

The Rhode Island Supreme Court affirmed a Superior Court judgment admitting Louis J. Giuliano, Sr.'s will to probate. The Court held that the omission of one arguably relevant Probate Court transcript did not warrant dismissal of the appeal, and that testamentary capacity and age were not disputed issues requiring jury instructions. The Court also upheld the exclusion of an estate inventory as irrelevant.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Goldberg; Flaherty; Goldberg; Indeglia; Robinson; Suttell
JURISDICTION	Rhode Island
DECIDED	January 9, 2012
DISPOSITION	affirmed
PROCEDURAL POSTURE	Louis J. Giuliano, Jr. appealed from a Superior Court judgment declaring that Patricia Lett had successfully proved the will of Louis J. Giuliano, Sr.
STANDARD OF REVIEW	Jury instructions are reviewed in their entirety and in context to determine how ordinary intelligent jurors would have understood them; reversal for an erroneous instruction requires a showing of resultant prejudice. A denial of a motion for a new trial receives great weight and will not be disturbed unless the trial justice overlooked or misconceived material evidence or was clearly wrong. A ruling on a motion for judgment as a matter of law is reviewed de novo. Evidentiary rulings based on relevance are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Rhode Island; precedential.
PARTIES	Louis J. Giuliano, Jr. v. Patricia Lett

TOPICS

- probate procedure
- will contests
- testamentary capacity
- appellate procedure
- evidence

PRACTICE AREAS

Probate

Wills and estates

Appellate procedure

Evidence

QUESTIONS PRESENTED

1. Whether the Superior Court should have dismissed the probate appeal because one transcript from the Probate Court proceedings was omitted from the transmitted record.
2. Whether the Superior Court erred by failing to submit testamentary age and capacity to the jury and by denying motions for judgment as a matter of law and a new trial on those issues.
3. Whether the Superior Court improperly excluded an inventory of the testator's estate from evidence.

HOLDINGS

1. A probate appeal should rarely, if ever, be dismissed solely because an appellant failed to submit one or more arguably relevant transcript portions when the appellant made a timely, good-faith effort to provide a record sufficient for review and the omission caused no demonstrated prejudice.
2. A trial justice is not required to instruct the jury on testamentary capacity or age when those matters were not disputed or raised as issues in the probate appeal and the record contains unrefuted evidence of capacity.
3. The trial justice did not abuse his discretion by excluding the estate inventory where the evidence lacked a threshold showing of relevance.

KEY QUOTATIONS

“the Superior Court should rarely if ever dismiss a Probate Court appeal solely for the appellant’s mere failure to submit one or more arguably relevant portions of the transcript within the period for doing so.” (876)

“As long as the appellant makes a timely and good faith effort to supply those portions of the Probate Court record, including the relevant portions of the transcript, that are sufficient to enable the reviewing court to pass on the issues raised in the case, then the appeal should not be dismissed.” (876)

“It is entirely appropriate for a trial justice to remove the issue of testamentary capacity from the jury’s consideration when the party seeking the allowance of the will presents some evidence of testamentary capacity, and the opposing party offers no countervailing evidence tending to refute it.” (878)

FACTUAL BACKGROUND

Louis J. Giuliano, Sr. executed a will on September 7, 1995, naming Patricia Lett as executrix and primary beneficiary. After his death in 2006, his son challenged the authenticity of the signature and the validity of the execution. At trial, the drafting attorney testified that the testator signed the will in the presence of two witnesses and that the witnesses signed in the required manner; one witness recalled the execution and the other identified his signature but had no independent recollection. The witnesses' affidavit stated that the testator was of sound mind and at least eighteen years old.

PROCEDURAL HISTORY

The Smithfield Probate Court denied Lett's petition to probate the will because the witnesses could not independently recall the circumstances of execution. The Superior Court initially granted Lett summary judgment, but the Rhode Island Supreme Court reversed because genuine issues existed regarding statutory execution and authenticity of the signature. After remand and a jury trial, the Superior Court ruled for Lett, denied Giuliano's motions to dismiss, for judgment as a matter of law, and for a new trial, and excluded an estate inventory. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Estate of Giuliano v. Giuliano, 949 A.2d 386, 393 (R.I. 2008)
- Bajaldan v. Erinakes, 880 A.2d 843, 849 n. 11 (R.I. 2005)
- State v. Cardona, 969 A.2d 667, 674 (R.I. 2009)
- State v. Krushnowski, 778 A.2d 243, 246 (R.I. 2001)
- State v. Sivo, 925 A.2d 901, 913 (R.I. 2007)
- State v. Coleman, 909 A.2d 929, 938 (R.I. 2006)
- Saber v. Dan Angelone Chevrolet Inc., 811 A.2d 644, 653 (R.I. 2002)
- Botelho v. Caster's, Inc., 970 A.2d 541, 546 (R.I. 2009)
- Izen v. Winoker, 589 A.2d 824, 829 (R.I. 1991)
- Lariviere v. Dayton Safety Ladder Co., 525 A.2d 892, 899 (R.I. 1987)
- Medeiros v. Sitrin, 984 A.2d 620, 625 (R.I. 2009)
- Gianquitti v. Atwood Medical Associates, Ltd., 973 A.2d 580, 589 (R.I. 2009)
- Griggs v. Estate of Griggs, 845 A.2d 1006, 1010 (R.I. 2004)
- Estate of Hart v. LeBlanc, 853 A.2d 1217, 1219 & n. 1 (R.I. 2004)
- In re Estate of Tinney, 911 A.2d 272, 272 (R.I. 2006) (mem.)
- In re Fry's Will, 2 R.I. 88, 93 (1852)
- Elder v. Elder, 84 R.I. 13, 17, 120 A.2d 815, 817 (1956)
- State v. Girard, 799 A.2d 288, 252 (R.I. 2002)
- State v. Brown, 744 A.2d 831, 838 (R.I. 2000)
- Patino v. Suchnik, 770 A.2d 861, 865 (R.I. 2001)
- Morinville v. Old Colony Co-operative Newport National Bank, 522 A.2d 1218, 1222 (R.I. 1987)
- Compo v. Dexter, 101 R.I. 311, 315, 222 A.2d 681, 684 (1966)
- Dalo v. Thalmann, 878 A.2d 194, 199-200 (R.I. 2005)