

SUPREME COURT OF RHODE ISLAND

State v. Ensey

881 A.2d 81 (R.I. 2005) · No. No. 2002-236-C.A. · Decided September 1, 2005

SUMMARY

The Rhode Island Supreme Court affirmed Judith Ensey’s conviction for driving under the influence. The court held that the prosecution presented sufficient foundational evidence under Rhode Island General Laws § 31-27-2(c) to admit the Intoxilyzer 5000 breath-test results. It also rejected Ensey’s challenges to the jury instructions concerning the breathalyzer evidence and burden of proof.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Robinson, Justice; Williams, C.J.; Goldberg, J.; Flaherty, J.; Suttell, J.; Robinson, J.
JURISDICTION	Rhode Island
DECIDED	September 1, 2005
DOCKET	No. 2002-236-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed to the Rhode Island Supreme Court from a Superior Court jury conviction for driving under the influence. The appeal challenged the admission of breathalyzer results and the jury instructions concerning those results.
STANDARD OF REVIEW	The admissibility of evidence and the adequacy of the foundation for its admission are reviewed for abuse of discretion. Jury instructions are reviewed as a whole from the perspective of ordinary, intelligent jurors to determine whether they adequately state the law and reduce or shift the state's burden of proof.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Judith Ensey v. State of Rhode Island

TOPICS

- evidence
- criminal procedure
- suppression of evidence
- standard of review
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

DUI law

appellate practice

QUESTIONS PRESENTED

1. Whether the prosecution presented sufficient foundational evidence under G.L. 1956 § 31-27-2(c)(4) and (5) to admit the Intoxilyzer 5000 breathalyzer results.
2. Whether the trial justice's jury instructions concerning the breathalyzer results directed a verdict for the prosecution, improperly commented on the evidence, or shifted the state's burden of proof.

HOLDINGS

1. The prosecution presented sufficient evidence to satisfy the foundational requirements of G.L. 1956 § 31-27-2(c)(4) and (5), and the trial justice did not abuse her discretion by admitting the breathalyzer results.
2. The jury instructions, viewed in their entirety, did not direct a verdict, improperly comment on the evidence, or reduce or shift the state's burden of proof; therefore, the instructions did not constitute reversible error.

KEY QUOTATIONS

“Before the results of a chemical analysis may be admitted, however, the prosecution must satisfy the foundational requirements that are set forth in § 31-27-2(c).” (881 A.2d at 87)

“After reviewing the record in light of the above-outlined principles of law, we conclude that the evidence presented by the prosecution was sufficient to satisfy the foundational requirements established by § 31-27-2(c)(4) and (5).” (881 A.2d at 92)

“We are satisfied that the jury instructions, when viewed in their entirety, did not reduce or shift the state's burden of proof.” (881 A.2d at 97)

“Accordingly, we hold that the trial justice committed no reversible error in instructing the jury.” (881 A.2d at 97)

FACTUAL BACKGROUND

Shortly after 1 a.m. on May 9, 1998, Officer John Carroll observed a vehicle speeding and swerving toward parked vehicles and himself in Central Falls. After the vehicle was stopped, Carroll observed signs of intoxication, including an overwhelming odor of alcohol, mumbling, a flushed face, instability, and poor performance on field sobriety tests. Carroll arrested Ensey and administered two Intoxilyzer 5000 breath tests, which produced blood-alcohol readings of 0.161 percent and 0.145 percent. The prosecution also presented evidence that the machine, its operator, and the testing procedures satisfied the statutory certification and accuracy requirements.

PROCEDURAL HISTORY

Ensey was convicted after a nonjury trial in the District Court. She exercised her right to a de novo trial in the Superior Court, where a jury again found her guilty and the trial justice imposed a suspended one-year sentence with probation, a fine, costs, a six-month license suspension, community service, and alcohol counseling requirements. The Supreme Court affirmed the Superior Court judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Lusi, 625 A.2d 1350 (R.I. 1993)
- State v. Lussier, 511 A.2d 958 (R.I. 1986)
- State v. Remsburg, 126 Idaho 338, 882 P.2d 993 (Ct. App. 1994)
- State v. Bradley, 120 Idaho 566, 817 P.2d 1090 (Ct. App. 1991)
- State v. Kudlacek, 229 Neb. 297, 426 N.W.2d 289 (1988)
- People v. Dailey, 173 Misc. 2d 431, 661 N.Y.S.2d 512 (N.Y. Co. Ct. 1997)
- Bourdon's, Inc. v. Ecin Industries, Inc., 704 A.2d 747 (R.I. 1997)
- Soares v. Nationwide Mut. Fire Insurance Co., 692 A.2d 701 (R.I. 1997) (mem.)
- Malinowski v. United Parcel Service, Inc., 792 A.2d 50 (R.I. 2002)
- People v. Schneider, 129 Misc. 2d 674, 493 N.Y.S.2d 747 (N.Y. City Crim. Ct. 1985)
- State v. Sensing, 843 S.W.2d 412 (Tenn. 1992)
- State v. Langella, 650 A.2d 478 (R.I. 1994)
- State v. Christmas, 131 N.M. 591, 40 P.3d 1035 (Ct. App. 2002)
- State v. Keiser, 796 A.2d 471 (R.I. 2002) (mem.)
- State v. Grayhurst, 852 A.2d 491 (R.I. 2004)
- State v. Boillard, 789 A.2d 881 (R.I. 2002)
- State v. DePina, 810 A.2d 768 (R.I. 2002)
- State v. Hazard, 745 A.2d 748 (R.I. 2000)
- Sullivan v. Louisiana, 508 U.S. 275 (1993)
- Carella v. California, 491 U.S. 263 (1989)
- United Brotherhood of Carpenters and Joiners of America v. United States, 330 U.S. 395 (1947)
- United States v. Gaudin, 515 U.S. 506 (1995)
- United States v. Martin Linen Supply Co., 430 U.S. 564 (1977)
- Sparf v. United States, 156 U.S. 51 (1895)
- Bleau v. Wall, 808 A.2d 637 (R.I. 2002)
- State v. Garcia, 649 A.2d 1025 (R.I. 1994)
- State v. Gaines, 528 A.2d 305 (R.I. 1987)
- Russell v. Kalian, 414 A.2d 462 (R.I. 1980)

- In re Kean, 520 A.2d 1271 (R.I. 1987)
- State v. Cluley, 808 A.2d 1098 (R.I. 2002)
- Miller v. Rhode Island Hospital, 625 A.2d 778 (R.I. 1993)

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