

SUPREME COURT OF RHODE ISLAND

State v. Paiva

967 A.2d 1103 (R.I. 2009) · No. No. 2007-33-C.A. · Decided April 3, 2009

SUMMARY

The Rhode Island Supreme Court considered whether a defendant preserved for appeal a challenge to the denial of a motion to suppress after proceeding through a jury-waived, stipulated-evidence trial. The court held that the record suggested the procedure may have been an impermissible conditional plea designed to circumvent Rhode Island's rule against appealing pretrial rulings after such pleas. It remanded for findings on whether the disposition was agreed upon and permitted the defendant, if appropriate, to move to reopen the evidence for an adequately adversarial trial.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Williams (ret.); Acting Chief Justice Goldberg; Justice Flaherty; Justice Suttell; Justice Robinson
JURISDICTION	Rhode Island
DECIDED	April 3, 2009
DOCKET	No. 2007-33-C.A.
DISPOSITION	remanded
PROCEDURAL POSTURE	Paiva was convicted of possession of cocaine following a jury-waived stipulated-evidence trial after the hearing justice denied her motion to suppress. She appealed, arguing that the initial investigatory stop lacked reasonable suspicion. The Supreme Court remanded for a determination whether the proceedings constituted an agreed disposition designed to preserve an appeal from the suppression ruling.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Dora M. Paiva v. State of Rhode Island

TOPICS

- criminal procedure
- appellate procedure
- preservation of error
- suppression of evidence
- plea bargaining

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Paiva preserved for appellate review the denial of her pretrial suppression motion through a jury-waived stipulated-evidence trial.
2. Whether the proceedings constituted an impermissible conditional plea or other procedure designed to circumvent Rhode Island's rule against appealing pretrial rulings after admitting guilt or otherwise accepting a nonadversarial disposition.
3. Whether the case should be remanded for a factual determination concerning the existence of an agreed disposition in exchange for the jury waiver.

HOLDINGS

1. Rhode Island does not recognize a conditional plea or a functionally equivalent procedure that allows a defendant to admit guilt or accept a nonadversarial disposition while reserving an appeal from an adverse pretrial ruling.
2. The record strongly indicated that the jury-waived stipulated-evidence trial may have been a conditional plea packaged as a trial, and the proceedings were insufficiently adversarial to preserve the suppression issue unless the lower court determined otherwise.
3. The case had to be remanded to the Superior Court to determine whether an agreed-upon disposition existed in exchange for Paiva's jury waiver.

KEY QUOTATIONS

“Today we make certain that our rule is firm: we will not sanction any agreement or procedure designed to circumvent our rule against conditional pleas.” (967 A.2d at 1105)

“It is our concern that the proceedings below were insufficiently adversarial to preserve for appeal the trial justice's denial of the defendant's pretrial motion to suppress, and that the parties transgressed our rule against conditional pleas.” (967 A.2d at 1105)

FACTUAL BACKGROUND

At approximately 9:20 p.m., Sergeant Julio Medeiros observed a vehicle traveling slowly on a wooded, dirt-and-gravel portion of Lydia Ann Road, an area known to police for partying, drugs, abandoned cars, and other criminal activity. Without observing a traffic violation, receiving a complaint, or acting on a tip, Medeiros stopped the vehicle and discovered that passenger Dora Paiva had an outstanding arrest warrant. During the subsequent station-house inventory of Paiva's purse, the officer found rocks of crack cocaine, which Paiva stipulated were cocaine.

PROCEDURAL HISTORY

Police stopped a vehicle on Lydia Ann Road, arrested Paiva on an outstanding warrant, and discovered cocaine in her purse during an inventory-related encounter at the police station. The hearing justice denied Paiva's

suppression motion. Paiva then waived a jury, stipulated that the suppression-hearing evidence would constitute the trial evidence, waived a presentence report in light of the State's recommended probationary sentence, and was convicted and sentenced to three years' probation. The Supreme Court did not reach the reasonable-suspicion merits and remanded to the Superior Court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Superior Court must determine whether there was an agreed-upon disposition in exchange for Paiva's waiver of a jury trial. If so, Paiva may elect to move to reopen the evidence so that a sufficiently adversarial jury-waived trial may occur. If not, the court must state its reasons and return the record to the Supreme Court forthwith.

CASES CITED

- State v. Beechum, 933 A.2d 687, 690 (R.I. 2007)
- State v. Dustin, 874 A.2d 244, 246-47 (R.I. 2005)
- State v. Keohane, 814 A.2d 327, 329 (R.I. 2003)
- State v. Soares, 633 A.2d 1356, 1356 (R.I. 1993) (mem.)