

SUPREME COURT OF RHODE ISLAND

State v. Nelson Carreiro

Supreme Court No. 2023-288-C.A. (K1/16-229A) (R.I. June 1, 2026) · No. 2023-288-C.A. (K1/16-229A) ·
Decided June 1, 2026

SUMMARY

The Rhode Island Supreme Court affirms Nelson Carreiro’s convictions for two counts of first-degree child molestation. The court considers whether statements made to police after Carreiro invoked his right to counsel should have been suppressed, including whether he was in custody and whether he reinitiated questioning and waived counsel. The court also addresses the sufficiency of the evidence supporting the charged instances of sexual penetration.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Paul A. Suttell; Chief Justice Frank H. Suttell; Justice Maureen McKenna Goldberg; Justice William P. Robinson III; Justice Erin Lynch Prata; Justice Long
JURISDICTION	Rhode Island Supreme Court
DECIDED	June 1, 2026
DOCKET	2023-288-C.A. (K1/16-229A)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction in the Kent County Superior Court for two counts of first-degree child molestation, challenging the denial of his motion to suppress statements and his motion for judgment of acquittal on count one.
STANDARD OF REVIEW	The Supreme Court defers to the trial justice's factual findings on a motion to suppress and will not overturn them unless clearly erroneous. Constitutional questions and mixed questions of law and fact are reviewed de novo, including whether a defendant was in custody and whether a waiver was voluntary. A denial of a motion for judgment of acquittal is reviewed by viewing the evidence in the light most favorable to the state, giving full credibility to the state's witnesses, and drawing all reasonable inferences consistent with guilt; the denial is upheld if the evidence and inferences would permit a reasonable juror to find guilt beyond a reasonable doubt.

PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential, subject to formal revision before publication.
PARTIES	Nelson Carreiro v. State of Rhode Island

TOPICS

miranda rights right to counsel suppression of evidence criminal procedure appellate procedure

PRACTICE AREAS

criminal procedure constitutional law evidence appellate procedure child molestation prosecution

QUESTIONS PRESENTED

1. Whether the trial justice erred in denying defendant's motion to suppress statements made outside the police station after defendant initially invoked his right to counsel.
2. Whether defendant reinitiated communication with police after invoking his right to counsel.
3. Whether defendant knowingly, intelligently, and voluntarily waived his right to counsel and right to remain silent.
4. Whether the evidence was sufficient to establish penile-vaginal penetration during the time period charged in count one.
5. Whether the trial justice erred in denying defendant's motion for judgment of acquittal on count one.

HOLDINGS

1. The trial justice did not clearly err in finding that defendant reinitiated communication with Detective McGlynn by asking, "Can I talk to you?" after invoking his right to counsel.
2. Defendant knowingly, intelligently, and voluntarily waived his right to counsel and his right to remain silent when he asked Detective McGlynn, "Can I talk to you?" and then engaged in conversation.
3. The court did not decide whether defendant was in custody outside the station; assuming arguendo that he was in custody, the suppression ruling was still proper because defendant reinitiated communication and waived his rights.
4. The complainant's testimony that defendant engaged in full intercourse during the week her mother was hospitalized, meaning that his penis was inside her vagina, was sufficiently specific to establish penile-vaginal penetration within the charged period.

KEY QUOTATIONS

"As explained below, even if defendant were in custody outside the station, his claim that his motion to suppress was denied erroneously still fails." (16)

"Additionally, an accused "having expressed his desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the

accused himself initiates further communication, exchanges, or conversations with the police.”” (19)

“We are well satisfied that defendant knowingly, intelligently, and voluntarily waived such rights when he asked Det. McGlynn, “Can I talk to you?”” (22)

“Viewing that testimony in the light most favorable to the state, and drawing all reasonable inferences consistent with guilt, a reasonable juror was entitled to conclude that defendant engaged in vaginal intercourse with the complainant in the specified time period.” (27)

FACTUAL BACKGROUND

The complainant testified that defendant sexually abused her, including vaginal penetration, when she was between eleven and twelve years old. During a week when the complainant's mother was hospitalized, defendant stayed with the complainant and engaged in what the complainant described as full intercourse, clarifying that defendant's penis was inside her vagina. In 2010, police interviewed defendant, who initially invoked his right to counsel but later asked, outside the police station, whether he could talk; he made statements concerning his relationship with the complainant. The indictment charged two time periods, including count one's period from May 1, 2006, through May 1, 2007.

PROCEDURAL HISTORY

The Superior Court denied defendant's motion to suppress statements made after he initially invoked his right to counsel, concluding that he was not in custody and, alternatively, that he reinitiated the conversation and waived his right to counsel. The court denied defendant's motion for judgment of acquittal on count one, and the jury convicted him on both counts. Defendant received concurrent eighteen-year sentences within a forty-year sentence to the Adult Correctional Institutions. The Rhode Island Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was ordered returned to the Superior Court.

CASES CITED

- State v. Morillo, 285 A.3d 995, 1002-03 (R.I. 2022)
- State v. Storey, 8 A.3d 454, 459-60 (R.I. 2010)
- State v. Gonzalez, 254 A.3d 813, 817 (R.I. 2021)
- State v. Grayhurst, 852 A.2d 491, 513 (R.I. 2004)
- State v. Jimenez, 33 A.3d 724, 732 (R.I. 2011)
- State v. Corcoran, 274 A.3d 808, 813 (R.I. 2022)
- State v. Monteiro, 924 A.2d 784, 790 (R.I. 2007)
- State v. Briggs, 756 A.2d 731, 737 (R.I. 2000)

- Houllahan v. Gelineau, 296 A.3d 710, 726 (R.I. 2023)
- In re Brown, 903 A.2d 147, 151 (R.I. 2006)
- State v. Beaudoin, 137 A.3d 717, 726 (R.I. 2016)
- State v. Lionberg, 533 A.2d 1172, 1176-77 (R.I. 1987)
- State v. Brouillard, 745 A.2d 759, 762 (R.I. 2000)
- Oregon v. Bradshaw, 462 U.S. 1039, 1046 (1983)
- State v. Bido, 941 A.2d 822, 835-36 (R.I. 2008)
- State v. Humphrey, 715 A.2d 1265, 1273 (R.I. 1998)
- State v. Perez, 882 A.2d 574, 588 (R.I. 2005)
- Edwards v. Arizona, 451 U.S. 477, 484-85 (1981)
- State v. McDonald, 602 A.2d 923, 925 (R.I. 1992)
- State v. Thibedau, 157 A.3d 1063, 1077-78 (R.I. 2017)
- State v. Maria, 132 A.3d 694, 698 (R.I. 2016)
- Miranda v. Arizona, 384 U.S. 436, 467, 473-74 (1966)
- Amico's Incorporated v. Mattos, 789 A.2d 899, 909 (R.I. 2002)
- Johnson v. Zerbst, 304 U.S. 458, 464 (1938)
- Connecticut v. Barrett, 479 U.S. 523, 531 (1987)
- State v. Dumas, 750 A.2d 420, 424 (R.I. 2000)

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