

SUPREME COURT OF RHODE ISLAND

State v. Chalk

816 A.2d 413 (R.I. 2002) · No. No. 2002-6-C.A. · Decided December 20, 2002

SUMMARY

The Rhode Island Supreme Court affirmed Michael B. Chalk’s convictions for four sexual-assault offenses involving three minors. The court held that the late disclosure of Harmony Hill records and a juvenile record did not violate due process or warrant a mistrial or continuance, that evidence of an uncharged sexual act was properly admitted under Rhode Island Rule of Evidence 404(b), and that the trial justice properly denied the motion for a new trial.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Lederberg, Justice; Williams, C.J.; Lederberg, J.; Flanders, J.; Goldberg, J.
JURISDICTION	Rhode Island
DECIDED	December 20, 2002
DOCKET	No. 2002-6-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed judgments of conviction on four counts of sexual assault and child molestation, challenging the denial of motions for a mistrial and continuance, admission of uncharged-act evidence under Rule 404(b), and denial of a motion for a new trial.
STANDARD OF REVIEW	Denial of a mistrial or continuance is reviewed for clear abuse of discretion. Admission of uncharged sexual-misconduct evidence under Rule 404(b) is reviewed for abuse of discretion. Denial of a motion for a new trial is reviewed for clear error when the trial justice has articulated a sufficient rationale and has not overlooked or misconceived material evidence.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Michael B. Chalk v. State of Rhode Island

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QUESTIONS PRESENTED

1. Whether the late production of Harmony Hill records and information concerning the complainant's juvenile record violated due process or required a mistrial or continuance.
2. Whether the trial justice abused his discretion by admitting evidence of an uncharged sexual assault under Rule 404(b) to show Chalk's lewd disposition toward the same complainant.
3. Whether the trial justice erred in denying Chalk's motion for a new trial based on the asserted insufficiency and credibility problems in the evidence.

HOLDINGS

1. The late disclosure did not violate due process or Brady because the record did not show deliberate suppression and the defendant failed to establish a reasonable probability that earlier disclosure would have produced a different verdict.
2. The trial justice did not abuse his discretion by denying the defendant's motions for a mistrial or continuance.
3. The trial justice properly admitted testimony concerning an earlier sexual touching of the same complainant because it was sufficiently proximate and similar and was admitted for the limited purpose of showing Chalk's lewd disposition toward that complainant.
4. The trial justice properly denied the motion for a new trial because he independently assessed the credibility and weight of the evidence, articulated a sufficient rationale, and was not clearly wrong.

KEY QUOTATIONS

"Therefore, we hold that the late disclosure in this case did not violate defendant's right to due process because it was not deliberate, and there was no reasonable probability that the jury verdict would have been different had the additional records from Harmony Hill been produced earlier." (816 A.2d at 420)

"Given the trial justice's compliance with all the relevant restrictions on admitting Rule 404(b) evidence, we conclude that he did not abuse his discretion in admitting Ben's testimony describing the earlier uncharged incident of sexual assault." (816 A.2d at 423)

"Because the trial justice carried out each step of the new trial analysis appropriately, we affirm the denial of the defendant's motion for a new trial." (816 A.2d at 424)

FACTUAL BACKGROUND

Chalk, an assistant scoutmaster and later an employee at a residential group home for troubled boys, was accused of sexually assaulting three minors in separate incidents. Shortly before one complainant's cross-

examination, the defense received approximately 844 additional pages of Harmony Hill records, including information bearing on the complainant's credibility and juvenile criminal history. The trial court allowed the defense an overnight recess but denied a mistrial and continuance. The court also admitted testimony that Chalk had sexually touched the same complainant approximately five or six weeks before the charged assault, and the jury convicted Chalk on all four counts.

PROCEDURAL HISTORY

Chalk was convicted in the Rhode Island Superior Court of one count of first-degree sexual assault, one count of first-degree child molestation, and two counts of second-degree sexual assault involving three minors. During trial, the State produced additional Harmony Hill records and information concerning a witness's juvenile record shortly before cross-examination. The trial justice denied motions for a mistrial and continuance, admitted evidence of an earlier uncharged sexual assault involving one complainant, and denied Chalk's motion for a new trial. The Supreme Court of Rhode Island affirmed the convictions and denied and dismissed the appeal.

DISPOSITION

affirmed

CASES CITED

- Brady v. Maryland, 373 U.S. 83 (1963)
- State v. Wyche, 518 A.2d 907 (R.I. 1986)
- State v. Brown, 709 A.2d 465 (R.I. 1998)
- State v. Kelly, 554 A.2d 632 (R.I. 1989)
- United States v. Bagley, 473 U.S. 667 (1985)
- United States v. Keogh, 391 F.2d 138 (2d Cir. 1968)
- In re Ouimette, 115 R.I. 169, 342 A.2d 250 (1975)
- State v. Oliveira, 774 A.2d 893 (R.I. 2001)
- Strickler v. Greene, 527 U.S. 263 (1999)
- State v. Allesio, 762 A.2d 1190 (R.I. 2000) (per curiam)
- State v. Bassett, 447 A.2d 371 (R.I. 1982)
- State v. Brisson, 619 A.2d 1099 (R.I. 1993)
- State v. Coelho, 454 A.2d 241 (R.I. 1982)
- State v. Musumeci, 717 A.2d 56 (R.I. 1998)
- Slappy v. Morris, 649 F.2d 718 (9th Cir. 1981)
- Gandy v. Alabama, 569 F.2d 1318 (5th Cir. 1978)
- State v. Sorel, 746 A.2d 704 (R.I. 2000) (per curiam)
- State v. Gomes, 690 A.2d 310 (R.I. 1997)
- State v. Jalette, 119 R.I. 614, 382 A.2d 526 (1978)
- State v. Mulcahey, 762 A.2d 1214 (R.I. 2000) (per curiam)

- State v. Toole, 640 A.2d 965 (R.I. 1994)
- State v. Rice, 755 A.2d 137 (R.I. 2000)
- State v. Hopkins, 698 A.2d 183 (R.I. 1997)
- State v. Marini, 638 A.2d 507 (R.I. 1994)
- State v. Banach, 648 A.2d 1363 (R.I. 1994)

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