

SUPREME COURT OF RHODE ISLAND

State v. Eugene Danis

182 A.3d 36 (R.I. 2018) · No. SU-2017-0159-CA; No. 2017-159-C.A. (K1/14-679A) · Decided April 19, 2018

SUMMARY

The Rhode Island Supreme Court affirmed Eugene Danis’s convictions for first-degree child molestation sexual assault and distribution of photographs depicting a minor in a sexual act. The court held that excluding cross-examination concerning the complaining witness’s alleged prior sexual-abuse allegations against her biological father did not violate the defendant’s confrontation rights, particularly because the witness lacked a reliable personal recollection and the defense did not renew the questioning after the ruling. The court also discussed the limits of cross-examination concerning bias, motive, and credibility under the Sixth Amendment and Rhode Island evidence rules.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Associate Justice Gilbert V. Indeglia; Chief Justice Suttell; Justice Goldberg; Justice Flaherty; Justice Robinson; Justice Indeglia
JURISDICTION	Rhode Island
DECIDED	April 19, 2018
DOCKET	SU-2017-0159-CA; No. 2017-159-C.A. (K1/14-679A)
DISPOSITION	affirmed
PROCEDURAL POSTURE	Danis appealed his convictions in the Kent County Superior Court for first-degree child molestation sexual assault and sale or distribution of photographs of a minor, arguing that the trial justice violated his Sixth Amendment right to confront and cross-examine the complaining witness.
STANDARD OF REVIEW	An evidentiary ruling is reviewed for abuse of discretion that prejudices the complaining party. The scope of cross-examination is likewise reviewed for clear abuse of discretion, subject to constitutional confrontation limits.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion
PARTIES	Eugene Danis v. State of Rhode Island

TOPICS

sixth amendment

impeachment

evidence

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial justice violated Danis's Sixth Amendment and Rhode Island constitutional confrontation rights by precluding cross-examination concerning the complaining witness's alleged prior sexual-abuse accusations against her biological father.
2. Whether Danis waived the confrontation and evidentiary issue by failing to renew the proposed questioning before the jury after the ruling on the motion in limine.

HOLDINGS

1. The trial justice did not abuse his discretion by precluding the proposed cross-examination because the witness's voir dire testimony did not provide a reliable foundation that she independently remembered making the prior allegations, and the proposed allegations differed from the specific conduct charged against Danis.
2. Danis waived the issue by failing to attempt the proposed line of questioning before the jury after the trial justice's ruling on the motion in limine.

KEY QUOTATIONS

“The Sixth Amendment to the United States Constitution and article 1, section 10 of the Rhode Island Constitution “guarantee individuals accused of criminal charges the right to confront and cross-examine any adverse witnesses who testify against them.””

“Most fatal to defendant’s case, however, is the fact that defense counsel failed to attempt this line of questioning once the jury was brought back into the courtroom.”

“As such, we conclude that the trial justice did not abuse his discretion in precluding the admission of this evidence.”

FACTUAL BACKGROUND

Danis was accused of sexually abusing his stepdaughter and taking nude photographs of her when she was approximately twelve years old. The complaining witness testified that Danis discussed sexual topics with her, photographed her nude, and used sexual devices during the photography sessions. At trial, the defense sought to question her about alleged sexual-abuse accusations involving her biological father when she was approximately five years old, asserting that the prior allegations showed a motive or pattern of falsely accusing father figures. During voir dire, the witness gave inconsistent testimony about whether she independently remembered making those prior allegations.

PROCEDURAL HISTORY

A grand jury indicted Danis on two criminal counts. A Kent County Superior Court jury convicted him on both counts, the trial justice denied his motion for a new trial, and he was sentenced to concurrent terms of imprisonment and probation. The Rhode Island Supreme Court denied and dismissed the appeal and affirmed the Superior Court judgment.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers in the case were remanded to the Kent County Superior Court.

CASES CITED

- State v. Manning, 973 A.2d 524 (R.I. 2009)
- State v. Hallenbeck, 878 A.2d 992 (R.I. 2005)
- State v. Ogoffa, 159 A.3d 1043 (R.I. 2017)
- State v. Walsh, 731 A.2d 696 (R.I. 1999)
- State v. Merida, 960 A.2d 228 (R.I. 2008)
- State v. Dorsey, 783 A.2d 947 (R.I. 2001)
- State v. Pettitway, 657 A.2d 161 (R.I. 1995)
- State v. Oliveira, 576 A.2d 111 (R.I. 1990)
- State v. Clark, 974 A.2d 558 (R.I. 2009)
- State v. Tiernan, 941 A.2d 129 (R.I. 2008)
- State v. Botelho, 753 A.2d 343 (R.I. 2000)
- Cookson v. Schwartz, 556 F.3d 647 (7th Cir. 2009)
- Henry v. Speckard, 22 F.3d 1209 (2d Cir. 1994)
- State v. Tejeda, 171 A.3d 983 (R.I. 2017)
- State v. Andujar, 899 A.2d 1209 (R.I. 2006)