

SUPREME COURT OF RHODE ISLAND

State v. Kittell

847 A.2d 845 (R.I. 2004) · No. No. 2003-137-C.A. · Decided April 22, 2004

SUMMARY

The Rhode Island Supreme Court affirmed Robert Kittell's conviction for felony assault arising from a stabbing outside a pub. The court held that the jury instructions properly explained the State's burden to disprove self-defense and did not improperly single out the defendant's testimony for scrutiny. It also upheld the denial of Kittell's motion for a new trial, concluding that the trial justice did not overlook or misconceive material evidence and was not clearly wrong.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Per Curiam; Chief Justice Williams; Justice Flanders; Justice Goldberg; Justice Flaherty; Justice Suttell
JURISDICTION	Rhode Island
DECIDED	April 22, 2004
DOCKET	No. 2003-137-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his felony-assault conviction and the denial of his motion for a new trial, challenging the jury instructions on self-defense and witness credibility.
STANDARD OF REVIEW	Jury instructions are reviewed in their entirety to determine how an ordinarily intelligent lay jury would understand them, rather than by examining challenged sentences in isolation. A ruling on a motion for a new trial will not be disturbed unless the trial justice overlooked or misconceived material evidence or was otherwise clearly wrong.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Robert Kittell v. State of Rhode Island

TOPICS

- jury instructions
- self defense
- witness credibility instructions
- standard of review
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the jury instructions improperly shifted to Kittell the burden of proving that he was entitled to invoke self-defense.
2. Whether the jury instructions improperly singled out Kittell's testimony for special scrutiny and thereby commented on his credibility.
3. Whether the trial justice clearly erred by denying Kittell's motion for a new trial when the jury's verdict allegedly conflicted with the evidence.

HOLDINGS

1. The self-defense instruction was proper because, read as a whole, it clearly stated that Kittell had no burden to prove self-defense and that the State had to prove beyond a reasonable doubt that he did not act in self-defense.
2. The instructions did not improperly comment on Kittell's credibility because the reference to his testimony was made in the general context of evaluating all witnesses and the jury was repeatedly told that it alone determined credibility and the weight of evidence.
3. The trial justice properly denied the motion for a new trial because the evidence supported the conclusion that Kittell was the aggressor and no material evidence was shown to have been overlooked or misconceived.

KEY QUOTATIONS

“No intelligent lay person would interpret the disputed phrase, when taken in context, as requiring defendant to prove any element of self-defense, including his right to invoke the defense.” (850)

“There is no doubt that the trial justice adequately explained to the jury the correct law of self-defense so that no ordinarily intelligent lay person would be confused.” (850)

“Therefore, we hold that when the charge is considered in its entirety, an ordinarily intelligent lay person would not have understood the trial justice's charge as his opinion on defendant's credibility.” (851)

“Because the trial justice committed no error in his instructions to the jury and the defendant has failed to prove that the trial justice's denial of his motion for new trial was clearly wrong, we affirm the defendant's conviction.” (852)

FACTUAL BACKGROUND

After drinking and playing pool at a West Warwick pub, Kittell returned to the pub's parking lot and encountered Michael Payne and others. Payne testified that Kittell approached the group and stabbed him in the stomach without provocation; Kittell testified that the group attacked him and that he swung his knife in self-defense without knowing whom he struck. Payne suffered stab wounds, while Kittell was badly beaten. A jury convicted

Kittell of felony assault, and the trial justice concluded that Kittell was the aggressor and denied his motion for a new trial.

PROCEDURAL HISTORY

After a four-day jury trial in the Superior Court, Kittell was convicted of one count of felony assault under G.L. 1956 § 11-5-2 and sentenced to twelve years, three to serve, at the Adult Correctional Institutions. The Superior Court trial justice denied Kittell's motion for a new trial. The Supreme Court of Rhode Island heard the appeal after directing the parties to show cause why it should not be summarily decided and affirmed the judgment.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record shall be remanded to the Superior Court.

CASES CITED

- State v. Hurteau, 810 A.2d 222, 224-25 (R.I. 2002)
- State v. Krushnowski, 773 A.2d 243, 246 (R.I. 2001)
- State v. Gomes, 604 A.2d 1249, 1256 (R.I. 1992)
- State v. Hanes, 783 A.2d 920, 925 (R.I. 2001)
- State v. Marini, 638 A.2d 507, 517 (R.I. 1994)
- State v. Baker, 417 A.2d 906, 910-11 (R.I. 1980)
- State v. Hull, 106 R.I. 285, 288, 258 A.2d 791, 792-93 (1969)
- Frias v. Jurczyk, 633 A.2d 679, 682 (R.I. 1993)
- State v. Zmayefski, 836 A.2d 191, 196 (R.I. 2003)
- State v. Kaba, 798 A.2d 383, 390 (R.I. 2002)