

SUPREME COURT OF RHODE ISLAND

State v. Pallister

916 A.2d 759 (R.I. 2007) · Decided January 19, 2007

SUMMARY

The Rhode Island Supreme Court affirmed William Pallister’s convictions and sentence following his nolo contendere pleas to two counts of first-degree child molestation sexual assault. The court held that the challenge to the sentencing court’s refusal to impose home confinement was not properly reviewable on direct appeal absent extraordinary circumstances, and that the imposed sentence was within the negotiated and statutory limits.

CASE DETAILS

COURT	Supreme Court of Rhode Island
JURISDICTION	Rhode Island
DECIDED	January 19, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed directly from a judgment of conviction and commitment entered after his nolo contendere pleas and sentencing, challenging the trial justice's conclusion that the court lacked statutory authority to impose home confinement as a condition of probation.
STANDARD OF REVIEW	A sentence generally is not reviewed on direct appeal absent extraordinary circumstances; sentence review ordinarily begins in the Superior Court under Rule 35 of the Superior Court Rules of Criminal Procedure.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	William Pallister v. State

TOPICS

- criminal procedure
- sentencing
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- appellate procedure
- sentencing
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the Supreme Court could review on direct appeal the trial justice's refusal to impose probation with home confinement as a condition.
2. Whether extraordinary circumstances warranted direct appellate review of Pallister's sentence.
3. Whether the sentence imposed was within the plea agreement, statutory limits, and applicable Superior Court sentencing benchmarks.

HOLDINGS

1. A challenge to the validity or legality of a sentence ordinarily is not reviewable on direct appeal; the proper procedure for sentence review begins in the Superior Court under Rule 35 unless extraordinary circumstances are shown.
2. Pallister failed to establish extraordinary circumstances warranting direct appellate review of his sentence.

KEY QUOTATIONS

“As this Court long has held, we will “ ‘not consider the validity or the legality of a sentence on direct appeal’ ” absent “ ‘extraordinary circumstances[.]’ ”” (916 A.2d at 760)

““Rather, we have repeatedly held that the proper procedure for a review of a sentence begins in the Superior Court under Rule 35 of the Superior Court Rules of Criminal Procedure.”” (916 A.2d at 760)

FACTUAL BACKGROUND

Pallister, then seventy-four years old, pleaded nolo contendere to two first-degree child molestation sexual-assault counts under a plea agreement that allowed cumulative sentences of up to twenty-five years on each count, with maximum time to serve capped at eight years. He requested probation with home confinement because of his age, community ties, and his seventy-eight-year-old wife's need for care. The trial justice instead imposed twenty years on each count, with six years to serve, and concluded that the home-confinement statute made Pallister ineligible for that option.

PROCEDURAL HISTORY

Pallister pleaded nolo contendere to two counts of first-degree child molestation sexual assault in exchange for dismissal of additional charges. The Superior Court imposed twenty years on each count, with six years to serve, after rejecting his request for probation with home confinement. The Rhode Island Supreme Court summarily affirmed, concluding that the sentence challenge was not properly reviewable on direct appeal and that no extraordinary circumstances justified an exception.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers were remanded to the Superior Court; no further substantive sentencing instruction was issued.

CASES CITED

- State v. Ibrahim, 862 A.2d 787, 793-94 (R.I. 2004)
- State v. Bettencourt, 728 A.2d 1101, 1114 (R.I. 1999)
- State v. Bettencourt, 723 A.2d at 1114

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