

SUPREME COURT OF RHODE ISLAND

Keith Burke v. State of Rhode Island

173 A.3d 330 (R.I. 2017) · No. 2015-177-Appeal · Decided December 4, 2017

SUMMARY

The Rhode Island Supreme Court affirmed the denial of Keith Burke’s application for postconviction relief. The Court held that the application concerned only his 1994 guilty pleas to breaking and entering and larceny, did not encompass his later murder conviction, and was subject to his agreement to withdraw pending matters as part of the 2008 murder plea. The Court also rejected his claims concerning counsel’s preparation and the opportunity to present his postconviction claims.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	William P. Robinson III; Frank A. Suttell, C.J.; Maureen McKenna Goldberg, J.; Paul A. Flaherty, J.; William P. Robinson III, J.; Gilbert V. Indeglia, J.
JURISDICTION	Rhode Island
DECIDED	December 4, 2017
DOCKET	2015-177-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Applicant appealed the Providence County Superior Court's denial of his application for postconviction relief.
STANDARD OF REVIEW	The Supreme Court gives great deference to the hearing justice's factual findings and will uphold the decision absent clear error or a determination that the hearing justice misconceived or overlooked material evidence. Questions of law or fact pertaining to an alleged constitutional-rights violation are reviewed de novo.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Keith Burke v. State of Rhode Island

TOPICS

- post-conviction relief
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

criminal postconviction relief

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Burke's postconviction-relief application could provide relief concerning the 2004 murder indictment or his 2008 murder guilty plea when the application, as filed, challenged only the 1994 breaking-and-entering and larceny pleas.
2. Whether Burke's agreement, made as part of his 2008 murder guilty plea, to withdraw all pending matters barred pursuit of the postconviction-relief application.
3. Whether the hearing justice denied Burke a statutory right to postconviction counsel or a meaningful opportunity to present his claims.
4. Whether Burke could raise an ineffective-assistance claim concerning counsel's handling of the motion to dismiss the 2004 murder indictment in this postconviction proceeding.

HOLDINGS

1. The Court would address only the application actually before it, which challenged Burke's 1994 breaking-and-entering and larceny pleas; the 2004 murder charge and 2008 murder guilty plea were not before the Court in that application.
2. Burke was not entitled to pursue the pending postconviction-relief application because, when he pleaded guilty to second-degree murder in 2008, he agreed to withdraw all pending actions, including the application.
3. Burke's ineffective-assistance claim concerning counsel's handling of the motion to dismiss the 2004 murder indictment was not properly before the Court because it related to the 2004 murder charge rather than the 1994 charges underlying the application.
4. The hearing justice did not deny Burke a statutory right to postconviction counsel or a meaningful opportunity to present his claims.

KEY QUOTATIONS

"It is clear beyond peradventure that the 2004 murder charge and Mr. Burke's eventual guilty plea are not before the Court in this application, and we will only rule on the application that is before us." (at -4-)

"For the reasons stated herein, we affirm the judgment of the Superior Court. We remand the record to that tribunal." (at -6-)

FACTUAL BACKGROUND

Burke pleaded guilty in 1994 to breaking and entering and larceny, receiving concurrent suspended ten-year sentences and probation; the pending murder charge was dismissed under Rule 48(a). The State reindicted him for the same murder in 2004, and Burke challenged that indictment while seeking to withdraw his 1994 pleas. In 2008, while his postconviction application was pending, Burke pleaded guilty to second-degree murder and agreed to withdraw all pending matters before the Superior and Supreme Courts.

PROCEDURAL HISTORY

Burke pleaded guilty in 1994 to breaking and entering and larceny after the State dismissed a pending murder charge. After the State reindicted him for the same murder in 2004, Burke filed a postconviction-relief application seeking to withdraw the 1994 guilty pleas. He later pleaded guilty to second-degree murder in 2008 and agreed to withdraw all pending matters, including this application. The Superior Court nevertheless held a hearing in 2015 and denied postconviction relief based on that agreement; the Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was remanded to the Providence County Superior Court.

CASES CITED

- Lynch v. State, 13 A.3d 603, 605 (R.I. 2011)
- Grady v. Narragansett Electric Co., 962 A.2d 34, 42 n.4 (R.I. 2009)