

SUPREME COURT OF RHODE ISLAND

State v. Machado

944 A.2d 865 (R.I. 2008) · No. No. 2007-150-C.A. · Decided April 11, 2008

SUMMARY

The Rhode Island Supreme Court held that jurisdiction over the defendant's second-degree child-abuse prosecution belonged in the Superior Court rather than the Family Court. Applying the jurisdictional amendment to G.L. 1956 § 11-9-9 and its decision in *State v. Jennings*, the Court concluded that the prosecution was not pending when the amendment took effect because the criminal information was filed afterward.

CASE DETAILS

COURT	Supreme Court of Rhode Island
JURISDICTION	Rhode Island
DECIDED	April 11, 2008
DOCKET	No. 2007-150-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed from the Family Court's dismissal, without prejudice, of a second-degree child-abuse prosecution for lack of jurisdiction.
STANDARD OF REVIEW	The Supreme Court reviewed the jurisdictional issue de novo.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	State of Rhode Island v. Peter Machado

TOPICS

- statutory interpretation
- criminal procedure
- family law procedure
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

- criminal procedure
- statutory interpretation
- family law procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the prosecution was pending on July 3, 2006, when the amendment to G.L. 1956 § 11-9-9 transferred jurisdiction over violations of § 11-9-5.3 to the Superior Court.
2. Whether jurisdiction over Machado's prosecution therefore belonged in the Family Court or the Superior Court.

HOLDINGS

1. A felony prosecution commences, and becomes pending for purposes of the jurisdictional amendment, only when the State files a formal charge by information or indictment.
2. The Superior Court, rather than the Family Court, has jurisdiction over the prosecution because the information was filed after the July 3, 2006 jurisdictional amendment.

KEY QUOTATIONS

“Because a felony prosecution commences only after a charge by information, the prosecution of this case was not pending as of the jurisdictional amendment of July 3, 2006, because the state had not filed the information until September 28, 2006, more than three months after the jurisdictional amendment removed jurisdiction to the Superior Court.” (866)

“Our holding in Jennings is dispositive of the matter before this Court and accordingly, the judgment of the Family Court is affirmed. Jurisdiction over this matter shall reside in the Superior Court.” (866)

FACTUAL BACKGROUND

Peter Machado struck his twelve-year-old son multiple times, including with a cow strap, after learning that the child had been suspended from school. The child suffered a perforated eardrum and multiple bruises, and Machado admitted to police and a DCYF social worker that he had struck the child. The State filed the criminal information after a statutory amendment transferred jurisdiction over specified child-abuse offenses from the Family Court to the Superior Court.

PROCEDURAL HISTORY

Machado was arrested on March 27, 2006, and charged by criminal information with second-degree child abuse on September 28, 2006. He was arraigned in the Family Court on November 6, 2006. The Family Court dismissed the case for lack of jurisdiction under G.L. 1956 § 11-9-9, and the State timely appealed. The Supreme Court affirmed and held that jurisdiction belonged in the Superior Court.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

No remand was ordered. The court stated that jurisdiction over the matter resides in the Superior Court.

CASES CITED

- State v. Jennings, 944 A.2d 171 (R.I. 2008)

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