

SUPREME COURT OF RHODE ISLAND

State v. Christodal

946 A.2d 811 (R.I. 2008) · No. No. 2007-45-C.A. · Decided May 7, 2008

SUMMARY

The Rhode Island Supreme Court affirmed the Superior Court’s adjudication that James W. Christodal violated the conditions of his probation after an altercation involving assaultive conduct and thrown rocks. The court held that reasonably satisfactory evidence supported the violation finding and that the hearing justice did not act arbitrarily or capriciously in imposing five years of the previously suspended sentence.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Robinson, J.; Williams, C.J.; Goldberg, J.; Flaherty, J.; Suttell, J.
JURISDICTION	Rhode Island
DECIDED	May 7, 2008
DOCKET	No. 2007-45-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a Superior Court adjudication of probation violation and the imposition of five years to serve on the previously suspended portion of his sentence.
STANDARD OF REVIEW	The Supreme Court reviews a probation-violation finding only for arbitrariness or capriciousness in the hearing justice's assessment of witness credibility or determination that a violation occurred. It accords great deference to the trial justice's credibility determinations. The State need only present reasonably satisfactory evidence, rather than proof beyond a reasonable doubt. Sentencing decisions in probation-violation proceedings are reviewed under the principle that hearing justices have wide latitude to remove a suspended sentence in whole, in part, or not at all.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Rhode Island; precedential.
PARTIES	James W. Christodal v. State of Rhode Island

TOPICS

probation

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Superior Court hearing justice acted arbitrarily or capriciously in finding that defendant violated the terms and conditions of his probation based on the evidence presented at the violation hearing.
2. Whether the five-year sentence imposed from the previously suspended sentence was excessive because the hearing justice allegedly failed to consider the totality of the circumstances, including defendant's mental-health issues and the State's sentencing recommendation.
3. Whether defendant could challenge in the probation-violation proceeding the length of the original sentence imposed for the underlying breaking-and-entering offense.

HOLDINGS

1. The hearing justice did not act arbitrarily or capriciously in finding that defendant violated probation because the mutually corroborative testimony of the State's witnesses reasonably satisfied the court that defendant failed to keep the peace or remain on good behavior.
2. The sentence was not excessive because the hearing justice considered the relevant circumstances, including defendant's mental-health issues and the State's recommendation, and acted within the wide latitude afforded in determining whether to remove a suspended sentence in whole, in part, or not at all.
3. Defendant could not properly challenge the original sentence in the probation-violation proceeding because any objection to that sentence should have been raised within the time permitted by Rule 35.

KEY QUOTATIONS

"The burden of proof on the state at a probation violation hearing is "much lower than that which exists in a criminal trial the state need only show that 'reasonably satisfactory' evidence supports a finding that the defendant has violated his or her probation."" (946 A.2d at 816)

"As this Court has repeatedly stated, the state does not have to prove beyond a reasonable doubt that an alleged probation violator committed a crime; the state need only reasonably satisfy the hearing justice that a defendant breached a condition of probation by failing to keep the peace or remain on good behavior." (946 A.2d at 817)

"We conclude that the finding of the hearing justice that defendant violated the terms and conditions of his probation was amply supported by the testimony of the witnesses and that he did not err in making such a determination." (946 A.2d at 817)

"It is utterly clear to us that, after finding that the defendant was a violator, the hearing justice did not act arbitrarily or capriciously in fashioning the defendant's sentence." (946 A.2d at 818)

FACTUAL BACKGROUND

Defendant was on probation after receiving a ten-year sentence for breaking and entering, with one year to serve and nine years suspended. During a July 2006 confrontation in Newport, witnesses testified that defendant threatened or attempted to fight members of a group and then threw rocks, striking a fourteen-year-old girl and breaking a car window. The Superior Court credited the State's witnesses, found defendant had failed to keep the peace and remain on good behavior, and imposed five years of the suspended sentence after considering his criminal history, mental-health issues, and the State's sentencing recommendation.

PROCEDURAL HISTORY

After pleading nolo contendere to breaking and entering in 2002, defendant received a ten-year sentence, with one year to serve and nine years suspended during probation. Following a July 2006 confrontation, the State filed a Rule 32(f) notice alleging a probation violation. The Superior Court held a violation hearing, found defendant violated probation, and sentenced him to serve five years of the suspended sentence. The Rhode Island Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers in the case may be remanded to the Superior Court.

CASES CITED

- State v. Crudup, 842 A.2d 1069, 1072 (R.I. 2004)
- State v. Forbes, 925 A.2d 929, 934 (R.I. 2007)
- State v. Bouffard, 945 A.2d 305, 310-311 (R.I. 2008)
- State v. Sylvia, 871 A.2d 954, 957 (R.I. 2005)
- State v. Pena, 791 A.2d 484, 485 (R.I. 2002) (mem.)
- Bajakian v. Erinakes, 880 A.2d 843, 852 (R.I. 2005)
- State v. Bourdeau, 448 A.2d 1247, 1249 (R.I. 1982)
- State v. McLaughlin, 935 A.2d 938, 941 (R.I. 2007)
- State v. McCarthy, 945 A.2d 318, 326 (R.I. 2008)
- State v. Seamans, 935 A.2d 618, 623 (R.I. 2007)
- State v. LaRoche, 883 A.2d 1151, 1157 (R.I. 2005)
- State v. Burke, 811 A.2d 1158, 1168 (R.I. 2002)
- State v. Tucker, 747 A.2d 451, 454 (R.I. 2000)