

SUPREME COURT OF RHODE ISLAND

State v. Texter

896 A.2d 40 (R.I. 2006) · No. No. 2004-131-C.A. · Decided April 19, 2006

SUMMARY

The Rhode Island Supreme Court affirmed a Superior Court finding that Eugene C. Texter violated the conditions of his probation following an alleged sexual assault. The court held that Texter waived challenges to the lawfulness of his detention and the seizure of evidence, and that the hearing justice’s finding was supported by reasonably satisfactory evidence and was not arbitrary or capricious.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Justice Goldberg; Williams, C.J.; Goldberg, J.; Flaherty, J.; Suttell, J.; Robinson, J.
JURISDICTION	Rhode Island
DECIDED	April 19, 2006
DOCKET	No. 2004-131-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Superior Court probation-violation determination and order requiring the defendant to serve thirty-nine and a half years of a previously suspended sentence.
STANDARD OF REVIEW	The Supreme Court reviews a probation-revocation decision to determine whether the hearing justice acted arbitrarily or capriciously in finding a violation. Witness credibility and the weight of the evidence are reserved to the fact-finder.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Rhode Island v. Eugene C. Texter

TOPICS

- probation
- criminal procedure
- preservation of error
- exclusionary rule
- appellate procedure

PRACTICE AREAS

- criminal procedure
- probation
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the Supreme Court could consider defendant's claim that his continued detention and the resulting seizure of evidence were unlawful when the issue was not raised below and the evidence was admitted without objection.
2. Whether the exclusionary rule applies in a probation-violation proceeding.
3. Whether the hearing justice acted arbitrarily or capriciously in finding that defendant violated the conditions of his probation.

HOLDINGS

1. The Court would not consider defendant's challenge to the lawfulness of his detention or the seizure of evidence because he did not raise the issue in the Superior Court and expressly agreed to admission of the evidence.
2. The exclusionary rule does not apply to probation-violation proceedings.
3. The hearing justice did not act arbitrarily or capriciously in finding that defendant violated the good-behavior conditions of his probation.

KEY QUOTATIONS

“This Court will not consider an issue raised on appeal that was not presented to the trial court.” (896 A.2d at 43)

“the potential benefit to society from refusing to extend the exclusionary rule to revocation hearings outweighs any harm resulting from that refusal.” (896 A.2d at 43)

“It is clear that there was more than sufficient evidence to establish that defendant violated the terms and conditions of his probation.” (896 A.2d at 44)

FACTUAL BACKGROUND

A fourteen-year-old student was assaulted near Narragansett High School by a man who displayed lewd photographs, threatened her, sprayed her with liquid, groped her, and photographed her. Police detained Texter shortly afterward while he was riding a bicycle and found an I-Zone camera, a black sweatshirt, and lewd photographs in his bicycle baskets after he consented to a search. The complainant identified Texter, and police also observed scratches on his arms and found corroborating physical evidence. At the probation-violation hearing, the Superior Court found that the evidence established that Texter had violated the good-behavior conditions of his probation.

PROCEDURAL HISTORY

After defendant was charged with second-degree sexual assault and simple assault, the State filed a probation-violation notice under Rule 32(f) based on his prior first-degree sexual-assault conviction. Following a probation-violation hearing, the Superior Court hearing justice found defendant to be a probation violator and ordered him to serve thirty-nine and a half years. Defendant appealed, arguing that the hearing justice relied on

illegally seized evidence and acted arbitrarily and capriciously in finding a violation. The Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The papers in the case were directed to be remanded to the Superior Court.

CASES CITED

- State v. Russell, 890 A.2d 453, 462 (R.I. 2006)
- State v. Mastracchio, 672 A.2d 438, 446 (R.I. 1996)
- State v. Spratt, 120 R.I. 192, 386 A.2d 1094 (1978)
- State v. Sylvia, 871 A.2d 954, 957-58 (R.I. 2005)
- State v. Rioux, 708 A.2d 895, 897 (R.I. 1998)
- State v. Summerour, 850 A.2d 948, 951 (R.I. 2004)
- State v. Crudup, 842 A.2d 1069, 1072 (R.I. 2004)