

SUPREME COURT OF RHODE ISLAND

Destiny Viera v. State of Rhode Island

Supreme Court Nos. 2025-218-M.P. (PM 25-3499) and 2025-268-M.P. (PM 25-3498) · No. 2025-218-M.P. (PM 25-3499); 2025-268-M.P. (PM 25-3498) · Decided February 20, 2026

SUMMARY

The Rhode Island Supreme Court reviewed consolidated petitions challenging the removal of Destiny Viera’s chosen attorney based on a potential conflict arising from his prior representation of a codefendant. The Court held that the record showed only speculative future conflict, insufficient to overcome Viera’s Sixth Amendment right to counsel of her choice, and quashed the Superior Court’s removal orders.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Associate Justice William P. Robinson III; Chief Justice Suttell; Justice Goldberg; Justice Robinson; Justice Lynch Prata; Justice Long
JURISDICTION	Rhode Island Supreme Court
DECIDED	February 20, 2026
DOCKET	2025-218-M.P. (PM 25-3499); 2025-268-M.P. (PM 25-3498)
DISPOSITION	quashed
PROCEDURAL POSTURE	The petitioner sought certiorari review of Superior Court orders sua sponte removing her chosen attorney because of a potential conflict of interest. The Rhode Island Supreme Court granted both petitions, consolidated the cases, and summarily decided them after directing the parties to show cause.
STANDARD OF REVIEW	A trial justice's discretionary determination that a substantial potential conflict warrants removal of chosen counsel is reviewed for clear error and is entitled to considerable deference.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion
PARTIES	Destiny Viera v. State of Rhode Island

TOPICS

- right to counsel
- sixth amendment
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

legal ethics

QUESTIONS PRESENTED

1. Whether the Superior Court violated Viera's Sixth Amendment right to counsel of her choice by sua sponte removing Cooper based on a potential conflict.
2. Whether the record supplied a sufficient factual predicate for removal of chosen counsel.
3. Whether Viera validly waived the potential conflict.
4. Whether the alleged deprivation of counsel of choice constituted structural error.

HOLDINGS

1. A trial court may remove a defendant's chosen counsel when it finds an actual conflict or a serious potential for conflict, but a potential conflict must be supported by a showing that both the likelihood and dimensions of the feared conflict are substantial. Mere speculation about what might occur later in the proceedings is insufficient.
2. The removal of Cooper was not warranted at the time it was ordered because the record showed no actual or imminent conflict and did not establish that the likelihood and dimensions of a feared conflict were substantial enough to require removal.
3. Viera's statements during the July 16 hearing, considered in their totality, sufficiently constituted an oral waiver of the potential conflict, although a written waiver would have been preferable.
4. The decision does not foreclose reconsideration of the conflict issue if later developments create a genuine conflict or otherwise make substitution of counsel advisable.

KEY QUOTATIONS

"Nonetheless, the trial justice's decision to remove Attorney Cooper, although understandable, was based on speculation as to what might occur at some future point in the proceedings rather than on what he perceived to be an actual or imminent conflict." (12)

"Accordingly, we hold that, at this time, there has been an insufficient showing that the likelihood and dimensions of the feared conflict of interest are substantial enough so as to require the removal of Attorney Cooper." (13)

FACTUAL BACKGROUND

Viera faced drug-related criminal complaints filed by the Pawtucket and Providence Police Departments, with codefendants including Teddy Lopez. Her attorney, David A. Cooper, had previously represented Teddy Lopez in at least one drug case. Although Lopez provided a written waiver and Viera made statements that the Supreme Court deemed sufficient to constitute an oral waiver, the Superior Court removed Cooper based on a potential future conflict before the criminal proceedings had materially developed.

PROCEDURAL HISTORY

Viera was charged in separate Pawtucket and Providence criminal cases and was represented by David A. Cooper, who had previously represented codefendant Teddy Lopez. During bail proceedings, the Superior Court trial justice found a strong potential conflict and removed Cooper from both cases on July 16, 2025; written orders were entered July 24, 2025. Viera petitioned for certiorari in both matters, the Supreme Court granted the petitions and consolidated them on September 8, 2025, and then quashed the removal orders.

DISPOSITION

quashed

REMAND INSTRUCTIONS

The record may be returned to the Superior Court. The court may reexamine the conflict issue if future developments create a genuine conflict.

CASES CITED

- United States v. Gonzalez-Lopez, 548 U.S. 140 (2006)
- Simpson v. State, 769 A.2d 1257, 1266 & n.18 (R.I. 2001)
- Wheat v. United States, 486 U.S. 153, 158-59, 163-64 (1988)
- Strickland v. Washington, 466 U.S. 668, 689, 692 (1984)
- State v. Moran, 699 A.2d 20, 25 (R.I. 1997)
- State v. Dias, 118 R.I. 499, 502, 374 A.2d 1028, 1029 (1977)
- In re Grand Jury Proceedings, 859 F.2d 1021, 1023-24 (1st Cir. 1988)
- United States v. Laureano-Pérez, 797 F.3d 45, 56-57 (1st Cir. 2015)
- State v. Navarro, 33 A.3d 147, 153, 156 (R.I. 2011)
- State v. Burke, 811 A.2d 1158, 1163 (R.I. 2002)
- State v. Goncalves, 941 A.2d 842, 846-47 (R.I. 2008)
- State v. Peeler, 828 A.2d 1216, 1224 (Conn. 2003), cert. denied, 541 U.S. 1029 (2004)
- United States v. Lanoue, 137 F.3d 656, 663 (1st Cir. 1998)
- State v. Pineda, 13 A.3d 623, 639-40 (R.I. 2011)
- State v. Feng, 421 A.2d 1258, 1273 (R.I. 1980)
- United States v. Laura, 607 F.2d 52, 56-57 (3d Cir. 1979)