

# SUPREME COURT OF RHODE ISLAND

## State v. Victor Arciliares

194 A.3d 1159 (R.I. 2018) · No. 2016-61-M.P.; P1/10-3258AG · Decided November 5, 2018

### SUMMARY

The Rhode Island Supreme Court reviewed the State's petition for a writ of certiorari challenging an order granting Victor Arciliares a new trial based on jury instructions concerning involuntary manslaughter. The Court held that the Superior Court exceeded the scope of the remand order by considering an argument based on State v. Diaz when the remand was limited to newly discovered evidence. The Court quashed the order and remanded for consideration solely of the newly discovered evidence issue.

### CASE DETAILS

|                       |                                                                                                                                                                                                                              |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Rhode Island                                                                                                                                                                                                |
| WRITING FOR THE COURT | Associate Justice Gilbert V. Indeglia; Chief Justice Suttell; Justice Goldberg; Justice Flaherty; Justice Robinson; Justice Indeglia                                                                                         |
| JURISDICTION          | Rhode Island                                                                                                                                                                                                                 |
| DECIDED               | November 5, 2018                                                                                                                                                                                                             |
| DOCKET                | 2016-61-M.P.; P1/10-3258AG                                                                                                                                                                                                   |
| DISPOSITION           | quashed                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | The State petitioned for a writ of certiorari to review the Superior Court's order granting Victor Arciliares's motion for a new trial based on alleged errors in the jury instructions concerning involuntary manslaughter. |
| STANDARD OF REVIEW    | On certiorari, the Court examines the record for error of law, does not weigh the evidence, and reviews questions of law de novo.                                                                                            |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                               |
| PARTIES               | State of Rhode Island v. Victor Arciliares                                                                                                                                                                                   |

### TOPICS

- appellate procedure
- writ of certiorari
- criminal procedure
- jury instructions
- instructions objections

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the Superior Court exceeded the scope of the Supreme Court's remand order by considering a jury-instruction challenge that was not part of the original motion to remand.
2. Whether *State v. Diaz* announced a new rule of law concerning involuntary-manslaughter jury instructions.

## HOLDINGS

1. A lower court may not exceed the scope of a remand order or consider legal issues beyond the remand; because the original remand authorized consideration of a Rule 33 motion based on newly discovered evidence, the Superior Court lacked authority to consider Arciliares's later jury-instruction arguments based on *State v. Diaz*.
2. The Court did not decide whether *State v. Diaz* announced a new rule of law because the issue was unnecessary to the disposition; it expressed grave doubt that *Diaz* did so.

## KEY QUOTATIONS

*“Neither a party nor the trial court may expand the scope of this Court’s remand to include arguments available to the party at the time of the original motion to remand.”* (at 1162)

*“As the state articulated at the Superior Court hearing on that motion on remand, defendant’s jury instructions argument “falls outside the four corners of the original remand order[.]”*” (at 1162)

## FACTUAL BACKGROUND

A jury found Victor Arciliares guilty of second-degree murder and discharging a firearm while committing a crime of violence; he received a forty-five-year sentence on the murder count and a consecutive life sentence on the firearm count. After appealing, he obtained a remand to seek a new trial based on newly discovered evidence and Brady violations. On remand, he additionally argued that the trial justice's involuntary-manslaughter instructions were improper under *State v. Diaz*, and the Superior Court granted a new trial on that additional ground.

## PROCEDURAL HISTORY

After a 2012 jury trial, Arciliares was convicted of second-degree murder and discharging a firearm while committing a crime of violence. He appealed, then obtained a remand to Superior Court to pursue a Rule 33 motion for a new trial based on newly discovered evidence and alleged Brady violations. While on remand, he later filed supplemental memoranda raising a jury-instruction argument based on *State v. Diaz*, and the Superior Court granted a new trial on that ground. The Rhode Island Supreme Court granted the State's certiorari petition, quashed the Superior Court's order, and remanded for consideration solely of the newly discovered evidence issue.

## DISPOSITION

quashed

## REMAND INSTRUCTIONS

The Superior Court must hear and decide forthwith Arciliares's motion for a new trial solely on the issue of newly discovered evidence. The papers were to be returned to the Supreme Court within sixty days for expedited briefing in the pending appeal.

## CASES CITED

- State v. Diaz, 46 A.3d 849 (R.I. 2012)
- DeCurtis v. Visconti, Boren & Campbell, Ltd., 152 A.3d 413, 420-21 (R.I. 2016)
- State v. Poulin, 66 A.3d 419, 423 (R.I. 2013)
- WMS Gaming, Inc. v. Sullivan, 6 A.3d 1104, 1111 (R.I. 2010)
- State v. Greenberg, 951 A.2d 481, 489 (R.I. 2008)
- Willis v. Wall, 941 A.2d 163, 166 (R.I. 2008)
- Fracassa v. Doris, 876 A.2d 506, 509 (R.I. 2005)
- Butterfly Realty v. James Romanella & Sons, Inc., 93 A.3d 1022, 1031-32 (R.I. 2014)
- Pleasant Management LLC v. Carrasco, 960 A.2d 216, 223 (R.I. 2008)
- Torres v. State, 19 A.3d 71, 75 n.7 (R.I. 2011)
- State v. Cacchiotti, 568 A.2d 1026, 1030 (R.I. 1990)
- State v. Hockenhull, 525 A.2d 926 (R.I. 1987)
- State v. Ortiz, 824 A.2d 473 (R.I. 2003)
- State v. Hallenbeck, 878 A.2d 992 (R.I. 2005)
- State v. McVay, 47 R.I. 292, 132 A. 436 (1926)
- Brady v. Maryland, 373 U.S. 83 (1963)