

SUPREME COURT OF RHODE ISLAND

State v. Bolduc

822 A.2d 184 (R.I. 2003) · No. No. 2002-289-C.A. · Decided May 19, 2003

SUMMARY

The Rhode Island Supreme Court affirmed Raymond C. Bolduc’s conviction for simple assault. The court held that the trial justice did not abuse his discretion in denying a mistrial after the complaining witness suffered a seizure during cross-examination, and properly denied a new trial based on the jury’s credibility determinations and the evidence supporting the verdict.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Williams; Justice Flanders; Justice Goldberg
JURISDICTION	Rhode Island
DECIDED	May 19, 2003
DOCKET	No. 2002-289-C.A.
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bolduc appealed from a judgment of conviction for one count of simple assault, challenging the denial of his motions for a mistrial and a new trial.
STANDARD OF REVIEW	A ruling on a motion for a mistrial or to pass the case is reviewed for abuse of discretion. A ruling on a motion for a new trial is not overturned unless the trial justice was clearly wrong or overlooked or misconceived material and relevant evidence concerning a critical issue.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Raymond C. Bolduc v. State

TOPICS

- criminal procedure
- evidence
- self defense
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal procedure
- criminal evidence
- appellate review

QUESTIONS PRESENTED

1. Whether the trial justice abused his discretion by denying a mistrial after the complaining witness suffered a seizure during cross-examination.
2. Whether the trial justice erred in denying a new trial on the ground that the evidence was insufficient to support the verdict and the victim's testimony was not credible.

HOLDINGS

1. The trial justice did not abuse his discretion in denying the motion for a mistrial because he assessed the seizure's potential prejudicial impact and gave a clear instruction directing the jury not to consider the seizure or allow sympathy to influence its decision.
2. The trial justice properly denied the motion for a new trial because the jury and trial justice reasonably credited the victim's testimony, and the trial justice was neither clearly wrong nor shown to have overlooked or misconceived material evidence.

KEY QUOTATIONS

"There [was] no showing that the occurrence affected the jury and no request that the jury be polled at the time. The trial judge was in a more advantageous position to observe what occurred than we are. He was able to observe what transpired and its effect upon the trial of the case and upon the jury." (186)

"Before we resume with the testimony of Mr. Tyas [the complaining witness], I want to instruct you [that] you are not to take into consideration the fact that Mr. Tyas had what he described as a seizure yesterday afternoon while undergoing cross-examination. Your decision in this case is to be based solely on the evidence, that is the testimony that you hear from the witness stand, and any exhibits marked as full exhibits." (186-87)

FACTUAL BACKGROUND

The complaining witness went to Bolduc's apartment to ask him to lower the volume of music. According to the witness, Bolduc responded by punching him in the face, throwing him to the floor, and choking him. Bolduc admitted to a responding police officer that he committed the assault, but at trial he disputed the circumstances of the encounter and claimed self-defense; the jury credited the victim's testimony.

PROCEDURAL HISTORY

During the trial, the complaining witness suffered a seizure while being cross-examined by defense counsel. The trial justice denied Bolduc's motion for a mistrial and instructed the jury not to consider the seizure or allow sympathy to influence its decision. After the jury found Bolduc guilty, the trial justice denied his motion for a new trial, and the Supreme Court of Rhode Island reviewed the appeal summarily after ordering the parties to show cause.

DISPOSITION

affirmed

CASES CITED

- Dodson v. State, 502 N.E.2d 1333, 1338 (Ind. 1987)
- United States v. Bailey, 675 F.2d 1292, 1297 (D.C. Cir. 1982)
- State v. Hill, 49 Or. App. 297, 619 P.2d 671, 672-73 (1980)
- Terry v. State, 397 So. 2d 217, 221-22 (Ala. Crim. App. 1981)
- State v. Chalk, 816 A.2d 413, 420 (R.I. 2002)
- State v. Pacheco, 763 A.2d 971, 978-79 (R.I. 2001)
- State v. Brown, 619 A.2d 828, 831 (R.I. 1993)
- State v. Salvatore, 763 A.2d 985, 991 (R.I. 2001)
- State v. Banach, 648 A.2d 1363, 1367 (R.I. 1994)
- State v. Dyer, 813 A.2d 71, 75 (R.I. 2003)
- State v. Jackson, 752 A.2d 5, 11 (R.I. 2000)