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State v. Mattatall, 219 A.3d 1288 (R.I. 2019)

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Criminal Law. *State v. Mattatall*, 219 A.3d 1288 (R.I. 2019). Stephen Mattatall (Mattatall) sought a motion to correct an allegedly illegal sentence under Rule 35 of the Rhode Island Superior Court Rules of Criminal Procedure.¹ In denying the motion, the Rhode Island Supreme Court held that Mattatall was not entitled to relief under Rule 35 because the trial justice did not impose an illegal sentence.² Recognizing that Mattatall’s parole eligibility was improperly calculated, however, the Court exercised supervisory jurisdiction in order to allow Mattatall to seek relief from the trial justice.³

FACTS AND TRAVEL

On September 24, 1982, John Scanlon was found dead in Stephen Mattatall’s home.⁴ Mattatall was indicted for Scanlon’s murder on January 7, 1983, and held without bail for both the murder and weapons charges.⁵ After what would be the first of three trials, Mattatall was found guilty of second-degree murder and was sentenced to forty years of imprisonment, with thirty years to serve and ten years suspended with probation.⁶ Because Mattatall was deemed a “habitual criminal offender,” the trial justice also imposed an additional ten years to serve.⁷

Mattatall appealed his conviction to the Rhode Island Supreme Court (the Court), arguing in part that the admission of statements made to an individual named John Carney, which were overheard by police officers present in Carney’s home at the time, violated his

1. *State v. Mattatall*, 219 A.3d 1288, 1289 (R.I. 2019).

2. *Id.* at 1293–94.

3. *Id.* at 1294.

4. *Id.* at 1289–90.

5. *Id.* at 1290.

6. *Id.*

7. *Id.*

Sixth Amendment right to counsel.⁸ The Court agreed, vacated the judgment, and remanded the case for a new trial, reasoning that the police had violated Mattatall's Sixth Amendment right to counsel by eavesdropping on statements he made about pending charges against him to John Carney, even though the police were at Carney's home to investigate an unrelated crime.⁹ The State then petitioned the United States Supreme Court for a writ of certiorari.¹⁰ The Supreme Court directed the Court to reconsider its decision in light of the Supreme Court's opinion in *Kuhlmann v. Wilson*.¹¹ After reconsidering its decision, the Court reaffirmed its initial holding, re-vacating the conviction and remanding the case for a new trial.¹²

During Mattatall's second trial in September of 1987, Mattatall was held in contempt of court twice for persistent courtroom misconduct.¹³ Consequently, a mistrial was declared.¹⁴ After Mattatall's third trial in 1988, he was found guilty of second-degree murder and "sentenced to sixty years' imprisonment, with fifty years to serve and ten years suspended, with probation."¹⁵ Mattatall was again deemed a habitual offender and as a result

8. *Id.*; *State v. Mattatall*, 510 A.2d 947, 952 (R.I. 1986). Mattatall also argued that incriminating statements he made to police were inadmissible because the police had illegally detained him prior to questioning him. *See Mattatall*, 510 A.2d at 950.

9. *Mattatall*, 510 A.2d at 953.

10. *Mattatall*, 219 A.3d at 1290.

11. *Id.* In *Kuhlmann*, the United States Supreme Court stated that "the Sixth Amendment is not violated whenever—by luck or happenstance—the State obtains incriminating statements from the accused after the right to counsel has attached." *Kuhlmann v. Wilson*, 477 U.S. 436, 459 (1986) (quoting *Maine v. Moulton*, 474 U.S. 159, 176 (1985)) (internal quotation marks omitted). Instead, the defendant must prove that the police and an informant "took some action, beyond merely listening, that was designed deliberately to elicit incriminating remarks." *Id.* Prior to the *Kuhlmann* decision, prosecutors could not admit incriminating statements by defendants when those statements were made directly to police or jailhouse informants after the accused had retained an attorney. *See Moulton*, 474 U.S. at 176, 180 (holding that respondent's Sixth Amendment right to assistance of counsel was violated by admission at trial of self-incriminating statements made after indictment to codefendant, an undercover informant).

12. *Mattatall*, 219 A.3d at 1290 (citing *State v. Mattatall*, 525 A.2d 49, 53 (R.I. 1987)).

13. *Id.*

14. *Id.*

15. *Id.*

received an additional sentence of twenty years to be served consecutively to the sentence for his second-degree murder conviction.¹⁶ Mattatall would not be eligible for parole for the first eighteen years of the twenty-year habitual offender sentence.¹⁷ The Court affirmed Mattatall's conviction in 1992.¹⁸

Mattatall served the next twenty-three years in prison.¹⁹ All the while, Mattatall continued to challenge his conviction and sentences.²⁰ While in prison, Mattatall also appeared before the parole board in 2002, 2007, 2010, 2012, 2014, and 2015.²¹ Parole was always denied for reasons including the serious nature of Mattatall's crime, his past criminal history, and the length of his sentence.²² Mattatall was finally granted parole on July 13, 2015, at which point he had been incarcerated for more than thirty-two years.²³

Mattatall's most recent challenge came in 2016, when he filed a motion to correct an illegal sentence under Rule 35 of the Rhode Island Superior Court Rules of Criminal Procedure.²⁴ In addition to this motion, Mattatall filed an application for postconviction relief.²⁵ The Superior Court heard both matters on July 25, 2018.²⁶ In Superior Court, Mattatall conceded that the sentence imposed was not an illegal sentence under Rule 35(a).²⁷ He argued, instead,

16. *Id.*

17. *Id.*

18. *Id.* (citing *State v. Mattatall*, 603 A.2d 1098, 1119 (R.I. 1992)).

19. *See id.* at 1291.

20. *Id.* at 1290–91.

21. *Id.* at 1291.

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.* Rule 35(a) states:

The court may correct an illegal sentence at any time. The court may correct a sentence imposed in an illegal manner and it may reduce any sentence when a motion is filed within one hundred and twenty (120) days after the sentence is imposed, or within one hundred and twenty (120) days after receipt by the court of a mandate of the Supreme Court of Rhode Island issued upon affirmance of the judgment or dismissal of the appeal, or within one hundred and twenty (120) days after receipt by the court of a mandate or order of the Supreme Court of the United States issued upon affirmance of the judgment,

that the error was in the way the habitual offender sentence was ordered to be executed—consecutive to his second-degree murder conviction rather than concurrently.²⁸ Mattatall argued that while the sentence was not illegal under Rule 35, “its execution was illegal and constituted a violation of his due-process rights because it deprived him of his right to appear before the parole board for eighteen years, which was eight years longer than [section] 13-8-13 provided.”²⁹

The State, however, disagreed.³⁰ The State argued that this error did not render Mattatall’s sentence illegal under Rule 35.³¹ The State also asserted that Mattatall was not prejudiced by serving eight additional years before seeing the parole board because the board’s rationales for denying parole were not related to Mattatall’s conduct while imprisoned.³²

The Superior Court justice ultimately agreed with the State, holding that Mattatall’s twenty-year habitual offender sentence could not be altered because, as Mattatall conceded, the sentence was not an illegal sentence under Rule 35.³³ Accordingly, the Superior Court justice denied Mattatall’s motion to correct an illegal sentence.³⁴ Mattatall subsequently appealed the decision to the Court.³⁵

dismissal of the appeal, or denial of a writ of certiorari. The court shall act on the motion within a reasonable time, provided that any delay by the court in ruling on the motion shall not prejudice the movant. The court may reduce a sentence, the execution of which has been suspended, upon revocation of probation.

R.I. SUPER. CT. R. CRIM. P. 35(a).

28. *Mattatall*, 219 A.3d at 1291.

29. *Id.* at 1292. Rhode Island General Laws section 13-8-13(a) states that “[i]n the case of a prisoner sentenced to imprisonment for life, a parole permit may be issued at any time after the prisoner has served not less than ten (10) years imprisonment.” 13 R.I. GEN. LAWS § 13-8-13(a).

30. *See Mattatall*, 219 A.3d at 1292.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. *Id.*

ANALYSIS AND HOLDING

In reviewing the trial justice's decision, the Court adhered to a "strong policy against interfering with a trial justice's discretion in sentencing matters."³⁶ Accordingly, the Court stated that its review of the trial justice's decision would be "extremely limited."³⁷ The Court, however, applied a *de novo* standard of review, as is customary when reviewing a trial justice's interpretation of statutes and court rules pursuant to a Rule 35 motion.³⁸

The Court rejected Mattatall's argument that his sentence imposed an unauthorized form of punishment.³⁹ The Court reasoned that because Mattatall was sentenced to a term in prison—"where convicted murderers are sent"—as a result of his second-degree murder conviction and not sentenced to death or to a public flogging, for example, the form of punishment he received was authorized.⁴⁰

The Court, however, also rejected the State's argument. The State argued that "any correction to the judgment would not alter Mattatall's current parole-eligibility date" because "notwithstanding the erroneous calculation of the date when Mattatall became eligible to apply for parole, he was eventually afforded the opportunity to appear"; thus, Mattatall failed to show any prejudice from the delay.⁴¹ In rejecting both parties' arguments, the Court based its analysis solely on the record and held that Mattatall was not entitled to relief under Rule 35.⁴² The Court distinguished illegal sentences under Rule 35 and clerical mistakes under Rule 36, but concluded that Mattatall was not entitled to relief under either rule.⁴³ The Court concluded that Mattatall was not entitled to relief under Rule 35 because "as he conceded in Superior Court, the trial justice did not impose an illegal sentence."⁴⁴ An illegal sentence under Rule 35 would be one

36. *Id.* at 1292–93 (quoting *State v. Barkmeyer*, 32 A.3d 950, 952 (R.I. 2011)).

37. *Id.* at 1293 (quoting *Barkmeyer*, 32 A.3d at 952).

38. *Id.* (quoting *State v. Bouffard*, 35 A.3d 909, 916 (R.I. 2012)).

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.* at 1293–94.

43. *Id.*

44. *Id.* at 1294.

that is not authorized under law, such as a sentence in excess of what would be permitted by law, or some kind of unauthorized form of punishment for the crime, such as the death penalty—neither of which was the case here.⁴⁵ The Court thus held that the trial justice correctly concluded that the law did not permit him to alter the sentence without a finding that the sentence was illegal.⁴⁶

However, the Court emphasized that Mattatall's parole eligibility was improperly calculated.⁴⁷ The Court noted that since "[n]either the trial justice nor this Court can turn back time . . . [t]his unfortunate circumstance cannot be corrected."⁴⁸ Accordingly, the Court exercised its supervisory jurisdiction and afforded Mattatall the opportunity to seek relief from the trial justice.⁴⁹ The Court recognized that "the exercise of our supervisory jurisdiction is an extraordinary measure," but "[the] Court under its general supervisory powers can exercise its inherent power to fashion an appropriate remedy to serve the ends of justice."⁵⁰

COMMENTARY

In many cases, justice can seem absent from the regular courtroom procedure. It is refreshing, then, when a court looks inequity in the face and, even in the most gruesome of cases, demonstrates its ability to serve the greater good and hold lower courts accountable for their mistakes. The *Mattatall* case is a great demonstration of such a practice.

In its analysis, the Court refused to speculate regarding "what the parole board would have done had Mattatall timely appeared before the board after he had served ten years of the sentence for second-degree murder."⁵¹ Still, the Court recognized the inequity of the situation. Accordingly, the Court employed some compassion by exercising its supervisory jurisdiction—an extremely rare

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.* (quoting *State v. Barros*, 24 A.3d 1158, 1166 (R.I. 2011) and *Bates-Bridgmon v. Heong's Market, Inc.*, 152 A.3d 1137, 1145 (R.I. 2017)) (internal quotation marks omitted).

51. *Id.*

occurrence—in order to allow Mattatall to seek relief from the trial justice who had presided over his case for almost three decades.⁵² Its exercise of supervisory jurisdiction was entirely discretionary, so while Mattatall was not successful in his present motion, he was at least provided the opportunity to seek recourse via a motion to reduce the sentence under Rule 35 or a motion to reduce the parole ineligible portion of his sentence.⁵³ The Court recognized that Mattatall was entitled to some recourse because his parole eligibility had been improperly calculated; the exercise of supervisory jurisdiction allowed for a demonstration of sincere compassion without simultaneously manipulating the law in Mattatall's favor.

CONCLUSION

The Court denied Mattatall's motion to correct an illegal sentence but, “based upon the dilemma wrought by the erroneous judgment in this case,” allowed Mattatall to “file a motion to reduce the sentence imposed as a habitual criminal in accordance with Rule 35 and the general laws, or a motion to reduce the nonparolable portion of the sentence.”⁵⁴

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52. *See id.*

53. *See id.*

54. *Id.*