

Supreme Court

No. 2002-585-C.A.
(P1/00-2885A)

State :
v. :
Antonio Gomes. :

Summary

The defendant appeals from his Superior Court jury conviction of second-degree murder. This Court held that the District Court erred in issuing a search warrant for the defendant's blood under G.L. 1956 § 12-5-2 as that statute was worded at the time the search warrant was issued. Nevertheless, the admission at trial of DNA evidence that was derived from the improperly seized blood constituted harmless error beyond a reasonable doubt in view of the overwhelming independent evidence of the defendant's guilt. This Court further held the Superior Court did not err in granting the prosecution's motion in limine to preclude the admission of a particular police report in view of the fact that defense counsel's offer of proof was inadequate. The defendant's appellate arguments about the admissibility of certain hearsay statements under Rule 803(2) and Rule 803(3) of the Rhode Island Rules of Evidence were not raised in the Superior Court and, therefore, were waived under the "raise or waive" rule.