

Supreme Court

No. 2002-401-C.A.
(P1/00-3379A)

State :
v. :
Thurston Horton. :

SUMMARY

The defendant appealed his 2001 conviction of first-degree child molestation sexual assault for which he was sentenced to twenty years, eight to serve, with the balance suspended with probation. On appeal, the defendant advanced three points of error as reasons for reversing his conviction. The defendant argued that the trial justice committed reversible error when she overruled the defense's objections to certain comments made by the prosecutor during closing argument, that the trial justice erred in denying the defendant's motion for a new trial based on the trial justice's weighing of certain testimony, and that the trial justice erroneously admitted into evidence pictures that had not been provided to the defendant during discovery. The Court held that two comments the prosecution made and that the defendant objected to failed to rise beyond the level of harmless error, and as such, did not warrant reversal. The Court also held that the trial justice followed the appropriate procedure and, considering both the weight of the evidence and the credibility of the witnesses, rightly denied the defendant's motion for a new trial. Finally, the Court did not agree that there was reversible error in the prosecution's discovery violation because the defendant had the opportunity to view the videotape. For these reasons, the Court denied the defendant's appeal and upheld his conviction.