

Supreme Court

No. 2002-241-C.A.
(P1/99-571A)

State :
v. :
Victor Perez. :

Summary

The defendant appeals from his conviction, after a jury trial, of first-degree murder for killing his mother. The trial justice did not err in denying the defendant’s motion to sequester the state’s expert rebuttal witness where that expert’s presence was essential to the presentation of the state’s rebuttal. In view of the fact that the characteristics and behaviors associated with both “antisocial personality disorder” and “conduct disorder” are essentially the same and that there already was testimony about the latter disorder before the jury, and considering the fact that the trial justice mitigated any potential prejudice by granting defense counsel’s request for a continuance, the trial justice did not err in allowing the state’s expert witness to testify about “antisocial personality disorder” -- even though that diagnosis had not been included in the state’s supplemental response to discovery. The trial justice did not err in denying the defendant’s motion to suppress certain statements that he made to the police, because defendant had been read his Miranda rights and had then knowingly and voluntarily waived them before giving two statements to the police. Moreover, in view of the overwhelming evidence against the defendant, any possible error in this regard would have been harmless beyond a reasonable doubt. The trial justice properly denied the defendant’s motion to dismiss for lack of a speedy trial after the defendant failed to show that his right to a speedy trial had been violated.