

Supreme Court

No. 2004-234-C.A.
(P1/02-2571AG)

State :

v. :

Charles Pona. :

Present: Williams, C.J., Goldberg, Flaherty, Suttell, and Robinson, JJ.

Summary

The defendant, Charles “Manny” Pona, appeals his conviction for the murder of fifteen-year-old Jennifer Rivera. Dennard Walker, the half brother of the defendant, shot Jennifer multiple times in the back of the head to prevent her from testifying against Pona in another murder trial. Pona was convicted of conspiracy to murder, murder, carrying a firearm without a license, committing a crime of violence while carrying a firearm, and obstruction of justice. The Supreme Court reversed the judgment of conviction, holding that an amalgam of errors at Pona’s trial, relating to the admission of evidence that he was involved in the other murder, deprived the defendant of the right to a fair trial.

The Court held that the admission of testimony that Pona’s pager and fingerprints were found at the scene of the Hector Feliciano murder was evidence of “other crimes” that were prohibited by Rule 404 of the Rhode Island Rules of Evidence. The state argued that it went to show Pona’s motive to kill Jennifer Rivera, who was the state’s prime witness in the Feliciano murder. The Court disagreed that the pager and fingerprint evidence were probative to demonstrate Pona’s motive to kill, and instead concluded that they were highly prejudicial propensity evidence. The Court also held

that the un-redacted admission of Jennifer's bail-testimony hearing tape, in which she identified the defendant as the man running from the scene of the Feliciano murder, warranted reversal. The Court held that playing the young victim's voice for hours (characterized by the state in closing arguments as her "voice from the grave") was both unfairly prejudicial and also that it contained inadmissible statements that referred to Pona as a murderer.

The judgments of conviction were vacated and the record was returned to the Superior Court for a new trial.