No. 25-6208

IN THE
SUPREME COURT OF THE UNITED STATES

MATTHEW PECKHAM,

Petitioner,

v.

STATE OF RHODE ISLAND,

Respondent.

On Petition For Writ Of Certiorari To The
Supreme Court Of Rhode Island

BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

During the Petitioner's trial on assault with a dangerous weapon and other charges, the trial justice precluded him from asking a witness who testified that she had been arrested in connection with the Petitioner's case whether charges had been filed against her in the Rhode Island Family Court. The trial justice did so because the Family Court case was sealed and information relating thereto could only be disclosed with permission of the Family Court, which the Petitioner had neither sought nor obtained. The Rhode Island Supreme Court affirmed the Petitioner's convictions because it concluded that any error in limiting the cross-examination would, at best, be harmless. Because the Petitioner offers no support for his claim of a "fractured landscape" of state court cases interpreting *Davis v. Alaska*, 415 U.S. 308 (1974), or a so-called "harmless-error drift," his Petition presents two questions.

1. Whether the Rhode Island Supreme Court's holding that any error in limiting the cross-examination of a witness about whether criminal charges had been filed against her in Family Court would, at best, be harmless conflicts with *Davis v. Alaska*?

2. Whether the Rhode Island Supreme Court correctly applied *Delaware v. Van Arsdall*, 475 U.S. 673 (1986), when it determined that any error in precluding the Petitioner from asking the witness about the status of her Family Court case would be harmless?

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES

STATEMENT OF THE CASE

In October 2022, a jury found the Petitioner guilty of three counts of assault with a dangerous weapon ("ADW"), conspiracy to commit ADW, discharging a firearm from a motor vehicle, and conspiracy to commit a drive-by shooting. Petitioner's Appendix 006 ("Pet. App."). The Rhode Island Superior Court imposed six concurrent sentences, the longest of which was twenty years at the Rhode Island Adult Correctional Institutions, eight years to serve, the balance suspended with probation. Pet. App. 006. The Rhode Island Supreme Court affirmed the Petitioner's convictions in July 2025. Pet. App. 003-021 (*State v. Peckham*, 338 A.3d 1064 (R.I. 2025)).

The convictions arose out of a car chase and a shooting on September 12, 2020. Pet. App. 006. When the Petitioner was driving a group of friends or acquaintances around that night, he began chasing a car driven by Chris Alves. Pet. App. 007, 009. The chase ended when both vehicles came to a stop near a hospital. Pet. App. 006-009.

Three men got out of Alves's car—Chris Alves, Joseph Alves, and Marvin Alvarez. Pet. App. 006-009. Skyler Poznanski ("Skyler"), who was sitting in the backseat of the Petitioner's car, shot at the three men out the back window as they approached. Pet. App. 006-007. Joseph Alves and Chris Alves were both injured; Marvin Alvarez was also shot but was not injured as the bullet went through his pant

leg. Pet. App. 006, 007. Three witnesses—Skyler, Tyler Smith ("Tyler"), and Emily Bergantine ("Emily")—directly or indirectly testified that the Petitioner told Skyler to shoot at the three men. Pet. App. 007-009.

Emily was seventeen years old at the time of the shooting and nineteen years old at the time of trial. Pet. App. 007. She testified that she was arrested in connection with the shooting a couple of weeks after the incident. Pet. App. 008, 010. On cross-examination, the Petitioner asked Emily whether charges had been filed against her in the Rhode Island Family Court. Pet. App. 008, 010-011, 017-018. The trial justice sustained an objection to the question because any Family Court case would have been sealed and the Petitioner had not asked the Family Court to unseal those records. Pet. App. 010-011, 013.

The Rhode Island Supreme Court affirmed the Petitioner's convictions on direct appeal. Pet. App. 003-021. The Petitioner claimed on appeal that his Confrontation Clause rights were violated when the trial justice prohibited him from asking Emily about whether she had been charged in Family Court. The court did not address the substance of the Petitioner's Sixth Amendment claim or attempt to reconcile the Petitioner's case with *Davis v. Alaska*, 415 U.S. 308 (1974), but instead held that any error in precluding this line of inquiry would be harmless. Pet. App. 012.

REASONS FOR DENYING THE PETITION

The Petitioner incorrectly asserts that the Rhode Island Supreme Court's opinion affirming his convictions "cannot be reconciled with this Court's precedents." Petition at 5.

I. The Rhode Island Supreme Court's Opinion Does Not Conflict With *Davis v. Alaska*.

The Rhode Island Supreme Court's opinion does not—and cannot—conflict with *Davis v. Alaska* because the court did not address the substance of the Petitioner's Sixth Amendment claim. The court instead held that any error in limiting the Petitioner's cross-examination of Emily would be harmless. Pet. App. at 012 ("After consideration of the defendant's arguments on appeal and the record before us, we determine that the decision of the trial justice to sustain the objection to defendant's inquiry into Emily's motives, even if error, would be, at best, harmless error."); Pet. App. at 016 ("I accept as a given fact that the majority has opted not to rule on the issue of whether or not there was a violation of the Confrontation Clause of the Sixth Amendment . . . .") (Robinson, J., dissenting). In *Delaware v. Van Arsdall*, 475 U.S. 673 (1986), this Court held that "*Davis* should not be read as establishing, without analysis, a categorical exception to the harmless-error rule." *Id.* at 683.

The Petitioner nevertheless asserts that the Rhode Island Supreme Court's decision "reflects a broader pattern in which courts, citing confidentiality of victim-

protection policies, have allowed entire areas of bias inquiry to disappear from the courtroom." Petition at 6. He cited five cases in his Petition that he claimed evidenced "a fractured landscape in which the reach of the Sixth Amendment depends on where the trial occurs." Petition at 6-7. The State was not able to locate any of the cited cases, however, and, in a letter that he mailed to the Clerk of the Court on January 31, 2026, the Petitioner indicated that those citations could not be "independently verified as cited" and suggested that they be stricken. There is simply no evidence of "a fractured landscape" or a "national retreat" that would require a reaffirmation of *Davis*. Moreover, the Petitioner also does not explain how the existence of local statutes that protect the confidentiality of juvenile proceedings, without more, contravenes or erodes *Davis*.

II. The Rhode Island Supreme Court Correctly Applied *Delaware v. Van Arsdall* In Determining That Any Error In Limiting The Petitioner's Cross-Examination Of A Witness Would Constitute Harmless Error.

The Rhode Island Supreme Court did not, as the Petitioner suggests, ignore *Delaware v. Van Arsdall* when it concluded that any error in limiting the Petitioner's cross-examination of Emily would amount to harmless error. Petition at 8. As noted above, in *Van Arsdall*, this Court held that Confrontation Clause violations are subject to harmless-error review. *Van Arsdall*, 475 U.S. at 673. It also identified myriad factors that courts should use in a harmless-error analysis:

> Whether [a Confrontation Clause] error is harmless in a particular case depends on a host of factors, all readily accessible to reviewing courts.

> These factors include the importance of the witness' testimony in the prosecution's case, whether the testimony was cumulative, the presence or absence of evidence corroborating or contradicting the testimony of the witness on material points, the extent of cross-examination otherwise permitted, and, of course, the overall strength of the prosecution's case.

Id. at 683.

The Rhode Island Supreme Court recognized that "an otherwise valid conviction should not be set aside if the reviewing court may confidently say, on the whole record, that the constitutional error was harmless beyond a reasonable doubt," *id.* at 681. Pet. App. 012. The court then analyzed whether any error in limiting the Petitioner's cross-examination of Emily would be harmless based on factors identified in *Van Arsdall*. Pet. App. 012.

The Rhode Island Supreme Court first observed that, unlike in *Davis*, there was "no direct or circumstantial evidence in the record" as to the disposition of the charges that were filed against Emily because "[t]he defendant neither proffered any such evidence, filed a pretrial motion, nor sought voir dire, outside of the presence of the jury, to establish that any prior adjudication of her status exist[ed]." Pet. App. 013. As such, the Petitioner "was unable to point to any record for impeachment purposes when Emily testified that she had not been promised anything in exchange for her testimony." Pet. App. 013. There is certainly no evidence to support the Petitioner's assertion that Emily somehow "received the State's favor." Petition at 10.

The Rhode Island Supreme Court acknowledged that, while Emily's testimony was important because "[s]he was the first witness called by the state for purposes of establishing that [the Petitioner] conspired with Skyler and Tyler to commit the assault with a dangerous weapon and to commit a drive-by shooting," "she was not the only witness who could establish" that he did so. Pet. App. 013. The Court observed that Skyler and Tyler "repeated much of what Emily recounted regarding the events that occurred after the group left Tyler's house between 11 and 11:30 p.m. . . . and corroborated Emily's testimony about material events that occurred" early the next morning. Pet. App. 013.

The court specifically noted that:

> Skyler testified that he heard several male voices yelling 'shoot' before he fired the Hi-Point 9mm Luger at Marvin, Chris, and Joe from the rear passenger window of the Equinox. Tyler testified that [the Petitioner] told Skyler, 'shoot them' or 'just shoot 'em.' Skyler and Tyler each testified about additional details that further supported a finding that [the Petitioner] conspired with them to commit assault with a dangerous weapon and drive-by shooting.

Pet. App. 013.

Finally, the Rhode Island Supreme Court found that "'the extent of cross-examination otherwise permitted' to probe Emily's veracity and motive for testifying was significant." Pet. App. 013 (quoting *Van Arsdall*, 475 U.S. at 684). The court noted that the Petitioner questioned Emily about her differing accounts of whether and how the Petitioner directed Skyler to shoot and, importantly, "asked

Emily whether she had been promised anything in exchange for her trial testimony; she responded that she had not and testified that she appeared at trial of her own accord." Pet. App. 013 (footnote omitted).

The Petitioner finally suggests that the Rhode Island Supreme Court's opinion "exemplifies" a "'harmless-error drift'" that he claims has "overtaken" *Chapman v. California*, 386 U.S. 18 (1967). Petition at 7-9. The Petitioner does not cite any authority evidencing a so-called "drift" and does not explain why he believes this case is symptomatic of that alleged phenomenon.

III. This Case Is A Poor Vehicle For "Restoring Doctrinal Coherence."

This case is not the proper vehicle for reaffirming either *Davis* or *Chapman*. The Rhode Island Supreme Court correctly held that, even if the trial justice erred in limiting the Petitioner's cross-examination of Emily, any such error would be harmless based on *Van Arsdall*.

In addition to Petitioner having failed to identify any error in the court's decision, the Petitioner also fails to present any other considerations that would warrant this Court's review of this case. The circumstances and the court's analysis are fact-bound to this case, including the array of fact-specific considerations that led the court to determine that any error would be harmless. Granting certiorari and issuing a decision in this case would do little to clarify any overarching legal principles relevant to other cases and courts. Moreover, there is no need for

clarification because this Court's holdings are already clear in this Court's existing precedents, which the Rhode Island Supreme Court faithfully applied, and the Petitioner's assertion that there is a "fractured" legal landscape that would justify this Court's review is premised entirely on citations to cases that he has since suggested should be stricken.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted,

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