

SUPREME COURT OF VERMONT

State v. William O. Stanley, Sr.

2015 VT 117 (2015) · No. 2014-292 · Decided September 11, 2015

SUMMARY

The Vermont Supreme Court affirmed William O. Stanley, Sr.'s conviction for sexual assault and the related habitual-offender enhancement. The court held that Stanley voluntarily waived his right to be present during trial and sentencing, that evidence of an uncharged prior assault was admissible to explain the victim's fear, and that use of prior felony convictions for the habitual-offender enhancement did not violate double jeopardy.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Robinson, J.; Reiber, C.J.; Dooley, J.; Skoglund, J.; Eaton, J.
JURISDICTION	Vermont
DECIDED	September 11, 2015
DOCKET	2014-292
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his jury conviction for sexual assault and the resulting habitual-offender enhancement, challenging the trial and sentencing proceedings conducted in his absence, admission of uncharged prior-bad-act evidence, and the use of prior felony convictions for the habitual-offender enhancement.
STANDARD OF REVIEW	The court reviewed de novo the legal conclusion whether defendant waived his constitutional right to be present at trial, reviewed factual findings for clear error, reviewed admission of prior-bad-act evidence for abuse of discretion, reviewed unpreserved instructional-error claims for plain error, and reviewed the decision to proceed with sentencing in defendant's absence for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	William O. Stanley, Sr. v. State of Vermont

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court violated Vermont Rule of Criminal Procedure 43 or defendant's constitutional right to be present by conducting the trial and sentencing in defendant's voluntary absence.
2. Whether the trial court abused its discretion under Vermont Rules of Evidence 404(b) and 403 by admitting evidence of defendant's uncharged prior assault on the victim's mother to explain the victim's fear of defendant.
3. Whether imposing a habitual-offender enhancement based on prior felony convictions that may also have supported an earlier habitual-offender enhancement violated the Double Jeopardy Clause.

HOLDINGS

1. A defendant who was present when the jury was impaneled and then voluntarily refused to enter the courtroom may be deemed to have waived the right to be present, and the trial may proceed when the court provides reasonable opportunities to follow the proceedings and return upon assurance of good behavior.
2. The trial court did not abuse its discretion by conducting sentencing in defendant's voluntary absence when defendant refused transportation and did not timely request a continuance.
3. Evidence of defendant's alleged prior assault on the victim's mother was admissible under Rule 404(b) for the nonpropensity purpose of explaining the victim's fear of defendant, and the trial court did not abuse its discretion under Rule 403 in finding that its probative value was not substantially outweighed by unfair prejudice.
4. The limiting instructions adequately protected defendant's constitutional rights, and their adequacy did not constitute plain error.
5. Using prior felony convictions to support habitual-offender enhancements for subsequent felony convictions does not violate the Double Jeopardy Clause merely because some of the prior felonies may have supported an earlier habitual-offender enhancement.

KEY QUOTATIONS

“Once lost [due to obstreperous behavior], the right to be present can, of course, be reclaimed as soon as the defendant is willing to [act] consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.” (¶ 20)

“In our judgment, this statute does not define or create a new offense. It defines a class of individuals, fourth offenders, who are subject to an enhanced penalty when convicted of a felony, and once the status of habitual criminal is achieved the penalty for each subsequent crime is subject to such enhancement.” (¶ 37)

FACTUAL BACKGROUND

Defendant's adult biological daughter reconnected with him after he was released from prison. While staying with defendant and others, the victim fell asleep on a couch and awoke to find defendant's fingers inside her body; she escaped to the bathroom and reported the assault the next day. Before and during trial, defendant repeatedly refused transportation to the courtroom, threatened to attack defense counsel, and declined later opportunities to attend or view the proceedings remotely. The State also introduced evidence that the victim had previously witnessed defendant stab her mother, to explain the victim's fear and delayed reporting.

PROCEDURAL HISTORY

After a two-day jury trial, defendant was convicted of sexual assault. The court then conducted a second phase in which the State proved three prior felony convictions, and the jury found defendant subject to the habitual-offender enhancement. The trial court conducted both trial proceedings and sentencing in defendant's absence after finding that he voluntarily waived his right to attend. The Vermont Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Turner, 2013 VT 26, 193 Vt. 474, 70 A.3d 1027
- State v. Stanley I, 2007 VT 64, 182 Vt. 565, 933 A.2d 184 (mem.)
- State v. Beattie, 157 Vt. 162, 596 A.2d 919 (1991)
- In re Dunkerley, 135 Vt. 260, 376 A.2d 43 (1977)
- Crosby v. United States, 506 U.S. 255 (1993)
- Illinois v. Allen, 397 U.S. 337 (1970)
- State v. Lawrence, 2013 VT 55, 194 Vt. 315, 80 A.3d 58
- State v. Forbes, 161 Vt. 327, 640 A.2d 13 (1993)
- State v. Turner, 2003 VT 73, 175 Vt. 595, 830 A.2d 122 (mem.)
- State v. Danforth, 2008 VT 69, 184 Vt. 122, 956 A.2d 554
- State v. Deyo, 2006 VT 120, 181 Vt. 89, 915 A.2d 249
- State v. Kasper, 137 Vt. 184, 404 A.2d 85 (1979)