

SUPREME COURT OF VERMONT

State v. Campanelli, 142 Vt. 362

454 A.2d 1248 (1982) · No. No. 281-80 · Decided December 27, 1982

SUMMARY

The Vermont Supreme Court affirmed six contested convictions arising from incidents at Lyndon State College, while reversing one unlawful-trespass conviction and entering a judgment of acquittal on that count. The court rejected the defendant’s self-defense arguments, concluding that he was the initial aggressor, used disproportionate force, and was lawfully arrested based on probable cause. The court also held that ineffective-assistance-of-counsel claims must generally be brought through post-conviction proceedings rather than on direct appeal.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Barney, Chief Justice; Barney, C.J.; Billings, J.; Hill, J.; Underwood, J.; Larrow, J. (Ret.), specially assigned
JURISDICTION	Vermont
DECIDED	December 27, 1982
DOCKET	No. 281-80
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed six contested criminal convictions and raised self-defense, probable-cause, and ineffective-assistance arguments. The State confessed error as to one additional unlawful-trespass conviction.
STANDARD OF REVIEW	The evidence was viewed in the light most favorable to the State as the prevailing party below. The court deferred to the jury's credibility determinations and would not overturn the verdict where it was supported by credible evidence. The probable-cause determination was reviewed as a matter of law on the undisputed facts.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	Michael A. Campanelli v. State of Vermont

TOPICS

self defense

probable cause

ineffective assistance

post-conviction relief

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

post-conviction relief

QUESTIONS PRESENTED

1. Whether the evidence supported Campanelli's claim of self-defense against the campus supervisors and state troopers.
2. Whether the state trooper had probable cause to arrest Campanelli for unlawful trespass.
3. Whether ineffective assistance of counsel constituted extraordinary circumstances permitting review on direct appeal of issues not preserved below.
4. Whether the unlawful-trespass conviction identified by the State's confession of error should be reversed and an acquittal entered.

HOLDINGS

1. The self-defense challenge failed because the jury could find that Campanelli was the initial aggressor and used force exceeding what reasonably appeared necessary under the circumstances.
2. Probable cause existed for the trooper's arrest of Campanelli for unlawful trespass, making it unnecessary to decide whether an earlier Vermont precedent should be extended to warrantless arrests.
3. Ineffective-assistance claims must be brought through collateral post-conviction proceedings rather than on direct appeal and do not permit the court to consider issues not preserved below.
4. The conviction was reversed and judgment of acquittal entered because the State confessed error.

KEY QUOTATIONS

"Ineffective assistance of counsel claims must be brought through collateral attack under post-conviction proceedings, rather than on direct appeal." (454 A.2d at 1251)

"The trooper clearly relied on reasonably corroborated hearsay from a "witness."" (454 A.2d at 1251)

FACTUAL BACKGROUND

During his freshman year at Lyndon State College, Campanelli resisted removal from a dormitory after repeated requests to leave, bit a supervisor, and kicked another supervisor in the head. After being suspended and barred from residence halls, he later returned to campus in violation of the Dean's order. Campus security summoned state troopers, and Campanelli resisted arrest for unlawful trespass, requiring multiple officers to subdue him. These incidents produced convictions for assault, disorderly conduct, assault on a law-enforcement officer, impeding an officer, and unlawful trespass.

PROCEDURAL HISTORY

Campanelli was convicted of nine offenses arising from incidents at Lyndon State College. On direct appeal, he challenged six convictions and attempted to raise additional unpreserved issues through an ineffective-assistance claim. The State conceded error in one unchallenged-on-the-merits unlawful-trespass conviction, which the Supreme Court reversed and for which it entered an acquittal; the court affirmed the six contested convictions.

DISPOSITION

other

CASES CITED

- State v. Daigle, 136 Vt. 178, 180, 385 A.2d 1115, 1116 (1978)
- State v. Prue, 138 Vt. 331, 332, 415 A.2d 234, 234 (1980) (per curiam)
- In re St. Johnsbury School District, 137 Vt. 557, 558, 409 A.2d 573, 574 (1979)
- State v. Dragon, 128 Vt. 568, 570-71, 268 A.2d 913, 915 (1970)
- State v. Malnati, 109 Vt. 429, 432, 199 A. 249, 250 (1938)
- State v. Jaramillo, 140 Vt. 206, 436 A.2d 757 (1981)
- Staab v. Northfield Savings Bank, 134 Vt. 44, 46, 349 A.2d 214, 215 (1975)
- In re Hatch, 130 Vt. 248, 257-58, 290 A.2d 180, 186 (1972)
- State v. Peters, 141 Vt. 341, 450 A.2d 332, 335 (1982)
- United States v. Harris, 403 U.S. 573, 599, 91 S. Ct. 2075, 2089, 29 L. Ed. 2d 723 (1971)
- Whiteley v. Warden, 401 U.S. 560, 91 S. Ct. 1031, 28 L. Ed. 2d 306 (1971)
- State v. Durling, 140 Vt. 491, 497, 442 A.2d 455, 458 (1981)
- In re King, 133 Vt. 245, 251, 336 A.2d 195, 199 (1975)