

SUPREME COURT OF VERMONT

State v. Larry L. Labrecque

State v. Labrecque, 2022 VT 20 · No. 22-AP-093 · Decided April 25, 2022

SUMMARY

The Vermont Supreme Court affirmed orders denying Larry L. Labrecque bail, home detention, and bail review. The court held that 13 V.S.A. § 7557 is discretionary and that continued pretrial detention did not violate substantive due process under the applicable factors concerning the strength of the detention evidence, governmental responsibility for delay, and detention length.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Paul L. Reiber, Chief Justice; Harold E. Eaton, Jr., Associate Justice; William D. Cohen, Associate Justice
JURISDICTION	Vermont
DECIDED	April 25, 2022
DOCKET	22-AP-093
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed orders denying reconsideration of his hold-without-bail status, denying release to the Home Detention Program, and denying a subsequent motion for bail review.
STANDARD OF REVIEW	The underlying bail determination is reviewed for abuse of discretion; whether a due process violation occurred is reviewed de novo.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	Larry L. Labrecque v. State of Vermont

TOPICS

- bail
- due process
- statutory interpretation
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- bail and pretrial detention
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether 13 V.S.A. § 7557 required the criminal division to consider bail or conditions of release after postponement of Labrecque's trial.
2. Whether prior discussions on the record required the criminal division to consider Labrecque's later application for home detention or otherwise established good cause for his delayed appeal.
3. Whether continued pretrial detention violated substantive due process under the three-factor test concerning the strength of the evidence supporting detention, governmental responsibility for delay, and the length of detention.

HOLDINGS

1. Section 7557 is discretionary, not mandatory; the use of the word "may" means that the criminal division was not required to consider or impose conditions of release when the trial was postponed.
2. The record did not establish any relevant conversation concerning home detention, and Labrecque failed to show harm or a basis for requiring consideration of his later home-detention application.
3. Continued detention did not violate substantive due process because the evidence supporting detention remained strong, the relevant delays were attributable to neutral or justified circumstances rather than intentional or targeted governmental interference, and the length of detention, although at the limit of what was acceptable, was not dispositive by itself.

KEY QUOTATIONS

“The longer the detention, and the larger the prosecution’s part in prolonging it, the stronger the evidence must be if it is to be deemed sufficient to justify the detention’s continuance.” (¶ 19)

“However, a delay in trying the underlying case beyond May 2022 that is not attributable to defendant would be of grave concern to this Court.” (¶ 31)

FACTUAL BACKGROUND

Labrecque was charged with three felony sexual-assault offenses, each carrying a maximum sentence of life imprisonment, and had been detained without bail since November 2018. His trial was continued from February to May 2022 because a necessary State witness had symptoms of illness that prevented in-person testimony under Vermont COVID-19 courthouse protocols. Labrecque proposed release on bail, conditions, or home detention with electronic monitoring, but he presented no new evidence addressing previously identified concerns about flight risk and public safety.

PROCEDURAL HISTORY

Labrecque had been held without bail since November 2018 after a weight-of-the-evidence hearing on charges carrying potential life sentences. After his trial was continued from February to May 2022 because a necessary State witness was ill and could not testify in person under COVID-19 courthouse protocols, the criminal division denied renewed bail or conditional-release requests, denied home detention as legally unavailable to a defendant held without bail, and denied a later bail-review motion. The Vermont Supreme Court affirmed all three orders.

DISPOSITION

affirmed

CASES CITED

- State v. Labrecque, 2022 VT 6
- State v. Labrecque, 2021 VT 58, 261 A.3d 632 (mem.)
- State v. Labrecque, 2020 VT 81, 249 A.3d 671 (mem.)
- State v. White, 2020 VT 62, ¶ 12, 212 Vt. 658, 237 A.3d 1235 (mem.)
- State v. Tarbell, 2021 VT 68, ¶ 14, 261 A.3d 1123 (mem.)
- United States v. Loera, 182 F. Supp. 3d 1173, 1206-07 (D.N.M. 2016)
- United States v. Briggs, 697 F.3d 98, 101 (2d Cir. 2012)
- Barker v. Wingo, 407 U.S. 514, 531 (1972)
- United States v. El-Hage, 213 F.3d 74, 79 (2d Cir. 2000)
- Miller v. Miller, 2005 VT 89, ¶ 14, 178 Vt. 273, 882 A.2d 1196
- Flint v. Department of Labor, 2017 VT 89, ¶ 5, 205 Vt. 558, 177 A.3d 1080
- New England Phoenix Co. v. Grand Isle Veterinary Hospital, Inc., 2022 VT 10, ¶ 18