

SUPREME COURT OF VERMONT

State v. Rooney

2011 VT 14 · No. 2008-470 · Decided February 4, 2011

SUMMARY

The Vermont Supreme Court affirmed Brian Rooney’s conviction and mandatory life sentence for aggravated murder arising from the sexual assault and murder of Michelle Gardner-Quinn. The court held that the State did not suppress forensic laboratory validation studies for purposes of Brady because the defense knew of their existence and could have requested them. The court also rejected equal protection challenges to Vermont statutes imposing different penalties for offenses with identical elements, relying on *United States v. Batchelder*.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Burgess, J.; Reiber, C.J.; Dooley, J.; Johnson, J.; Skoglund, J.
JURISDICTION	Vermont
DECIDED	February 4, 2011
DOCKET	2008-470
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from his conviction and mandatory life sentence for aggravated murder following a jury trial, challenging the State's nondisclosure of forensic laboratory validation studies under Brady and challenging the constitutionality of sentencing under an aggravated-murder statute that had identical elements to first-degree felony murder but a harsher penalty.
STANDARD OF REVIEW	The opinion does not state a single comprehensive standard-of-review formulation. It reviews the alleged Brady violation and constitutional sentencing challenge as legal questions and affirms the trial court's rulings.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	Brian Rooney v. State of Vermont

TOPICS

suppression of evidence

due process

equal protection

criminal procedure

appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the State violated Brady and due process by failing to disclose the Vermont Forensic Laboratory's internal DNA validation studies.
2. Whether Vermont's aggravated-murder statute and first-degree murder statute, which imposed different penalties for conduct involving identical elements, violated the Equal Protection or Due Process Clauses of the United States Constitution or Vermont Constitution.
3. Whether Rooney was entitled to dismissal, a new trial, or resentencing under the lesser first-degree-murder penalty.

HOLDINGS

1. There was no Brady suppression because the defense knew of the existence and subject matter of the validation studies and could have requested or obtained them through reasonable diligence.
2. The coexistence of first-degree murder and aggravated-murder provisions with identical elements but different penalties does not violate the Federal Constitution, so long as charging discretion is not exercised in a discriminatory manner.
3. The majority declined to hold that the statutory scheme violated the Vermont Constitution because the statutes do not create a constitutionally protected class and the record contained no impermissible discriminatory treatment.

KEY QUOTATIONS

“There are three elements of a Brady violation: “(1) the State must have suppressed evidence; (2) that evidence must have been favorable to the defendant because it [was] either exculpatory or impeaching; and (3) the defendant was prejudiced as a result.”” (¶ 13)

“Just as a defendant has no constitutional right to elect which of two applicable federal statutes shall be the basis of his indictment and prosecution neither is he entitled to choose the penalty scheme under which he will be sentenced.” (¶ 25)

FACTUAL BACKGROUND

Michelle Gardner-Quinn disappeared in Burlington on October 7, 2006, after being seen walking with Rooney. Her body was later found in Huntington Gorge, and the medical and forensic evidence indicated that she had been sexually assaulted and killed. DNA testing of sperm recovered from a rectal swab produced a profile matching Rooney, although the sample was only .24 nanograms and the defense challenged the reliability of the testing. The State obtained a conviction for aggravated murder committed during a sexual assault and Rooney received a mandatory life sentence.

PROCEDURAL HISTORY

A jury convicted Rooney of aggravated murder after a trial in the District Court of Vermont, Unit No. 2, Chittenden Circuit. The trial court denied his motion for acquittal, denied his motion to dismiss or to sentence him under the first-degree murder statute, and later denied his motion for a new trial based on alleged Brady violations and failure to instruct on lesser-included offenses. The Vermont Supreme Court affirmed the conviction and sentence.

DISPOSITION

affirmed

CASES CITED

- Brady v. Maryland, 373 U.S. 83 (1963)
- United States v. Batchelder, 442 U.S. 114 (1979)
- State v. LeClaire, 2003 VT 4, 175 Vt. 52, 819 A.2d 719
- State v. Tester, 2007 VT 40, 181 Vt. 506, 923 A.2d 622
- United States v. LeRoy, 687 F.2d 610 (2d Cir. 1982)
- United States v. Morris, 80 F.3d 1151 (7th Cir. 1996)
- State v. Shippee, 2003 VT 106, 176 Vt. 542, 839 A.2d 566
- Baker v. State, 170 Vt. 194, 744 A.2d 864 (1999)
- State v. Pickering, 462 A.2d 1151 (Me. 1983)
- Ehram v. Rubenstein, 917 F.2d 764 (3d Cir. 1990)
- State v. Baron, 2004 VT 20, 176 Vt. 314, 848 A.2d 275
- State v. Bauder, 2007 VT 16, 181 Vt. 392, 924 A.2d 38
- State v. Secrest, 331 N.W.2d 580 (S.D. 1983)
- People v. Marcy, 628 P.2d 69 (Colo. 1981)
- State v. Williams, 2007 UT 98, 175 P.3d 1029
- State v. Perry, 151 Vt. 637, 563 A.2d 1007 (1989)
- State v. Brillon, 2010 VT 25, 995 A.2d 557
- Kolender v. Lawson, 461 U.S. 352 (1983)