

SUPREME COURT OF VERMONT

State v. Theriault

198 Vt. 625 (2014) · Decided November 4, 2014

SUMMARY

The Vermont Supreme Court reviewed a trial court’s determination under 13 V.S.A. § 7553 that the evidence of guilt was great in a second-degree murder case, permitting the defendant to be held without bail. The court held that substantial, admissible circumstantial evidence supported findings on the actus reus and mens rea elements and affirmed the trial court’s order.

CASE DETAILS

COURT	Supreme Court of Vermont
JURISDICTION	Vermont
DECIDED	November 4, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the trial court's determination under 13 V.S.A. § 7553 that the evidence of guilt was great, permitting him to be held without bail pending proceedings.
STANDARD OF REVIEW	The Court considers whether the evidence, viewed in the light most favorable to the State and excluding modifying evidence, can fairly and reasonably show defendant guilty beyond a reasonable doubt. Under Vermont Rule of Criminal Procedure 12(d), the State must show substantial, admissible evidence of guilt and evidence that could fairly and reasonably convince a fact-finder beyond a reasonable doubt that defendant is guilty, with a specific finding as to each element of the charged offense.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion
PARTIES	Theriault v. State of Vermont

TOPICS

- bail
- criminal procedure
- appellate procedure
- standard of review
- mens rea

PRACTICE AREAS

- criminal procedure
- bail
- appellate procedure
- evidence

QUESTIONS PRESENTED

1. Whether the evidence was great under 13 V.S.A. § 7553 to support holding defendant without bail on the second-degree-murder charge.
2. Whether the trial court made the required specific finding as to the mens rea element of second-degree murder.
3. Whether substantial, admissible evidence supported a finding beyond a reasonable doubt that defendant acted with the requisite specific intent or wanton disregard.

HOLDINGS

1. The evidence was great because substantial, admissible circumstantial evidence could fairly and reasonably convince a fact-finder beyond a reasonable doubt that defendant killed the child by striking him in the abdomen.
2. The trial court satisfied its duty to make a specific finding addressing the mens rea element of second-degree murder.
3. The evidence was sufficient for a reasonable jury to find beyond a reasonable doubt that defendant possessed the requisite specific intent for second-degree murder.

KEY QUOTATIONS

“whether the evidence, taken in the light most favorable to the State and excluding modifying evidence, can fairly and reasonably show defendant guilty beyond a reasonable doubt.” (626)

“The State’s evidence ... if believed by the jury, [was] so cogent as to exclude every reasonable theory consistent with the defendant’s innocence” (626)

“Intent is rarely proved by direct evidence; it must be inferred from a person’s acts and proved by circumstantial evidence.” (627)

FACTUAL BACKGROUND

The victim died from blunt abdominal trauma, and the medical examiner narrowed the likely time of injury to three to thirty-six hours before death. The evidence established a timeline that largely accounted for the victim's whereabouts and excluded other capable blunt-force collisions, while defendant's account of when he went to bed conflicted with the victim's mother's testimony. Defendant also told police that he believed the child had complained of stomach problems before the cause of death had been disclosed to the family. The State presented no eyewitness or direct evidence linking defendant to the fatal injury, relying instead on circumstantial evidence.

PROCEDURAL HISTORY

Theriault was charged with second-degree murder arising from the death of a two-year-old child. After a September 10, 2014 hearing, the trial court found that the evidence of guilt was great and entered an order on September 17, 2014, allowing defendant to remain held without bail. The Vermont Supreme Court reviewed only whether the evidence of guilt was great because the trial court had not yet decided whether to release defendant on conditions, impose bail, or continue detention without bail.

DISPOSITION

affirmed

CASES CITED

- State v. Avgoustov, 2006 VT 90, ¶ 2, 180 Vt. 595, 907 A.2d 1185 (mem.)
- State v. Duff, 151 Vt. 433, 439-40, 563 A.2d 258, 263 (1989)
- State v. Memoli, 2008 VT 85, ¶¶ 3, 5, 184 Vt. 564, 956 A.2d 575 (mem.)
- State v. Monatukwa, 2015 VT 32, ¶ 2, 197 Vt. 642 (mem.)
- State v. Warner, 151 Vt. 469, 470-72, 560 A.2d 385, 386-87 (1989)
- State v. Bourassa, 137 Vt. 62, 64-65, 68-69, 399 A.2d 507, 509-12 (1979)
- State v. Sexton, 2006 VT 55, ¶ 17, 180 Vt. 34, 904 A.2d 1092
- State v. Johnson, 2013 VT 116, ¶ 29, 195 Vt. 498, 90 A.3d 874
- State v. Cole, 150 Vt. 453, 456, 554 A.2d 253, 255 (1988)