

SUPREME COURT OF VERMONT

State v. Robitaille

191 Vt. 91 (2011) · No. 2010-078 · Decided December 15, 2011

SUMMARY

The Vermont Supreme Court affirmed the denial of Jeremy Robitaille’s motion to suppress statements made after he initially invoked his rights to remain silent and to counsel. The court held that a fifteen-minute delay in notifying a public defender did not violate Vermont’s Public Defender Act because no custodial interrogation occurred during that period and the defendant later validly waived his rights. The court also upheld the trial court’s determination that the waiver was knowing, intelligent, and voluntary.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Skoglund, J.; Reiber, C.J.; Dooley, J.; Johnson, J.; Burgess, J.
JURISDICTION	Vermont
DECIDED	December 15, 2011
DOCKET	2010-078
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a conditional guilty plea to assault and robbery after the trial court denied his motion to suppress statements made to police.
STANDARD OF REVIEW	The court reviews factual findings on a suppression motion for clear error, reviews legal conclusions de novo, and gives great deference to waiver findings under the totality-of-the-circumstances approach.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	Jeremy Robitaille v. State of Vermont

TOPICS

- criminal procedure
- right to counsel
- miranda rights
- suppression of evidence
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- constitutional law
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether the police violated the Public Defender Act or Chapter I, Article 10 of the Vermont Constitution by failing to contact a public defender immediately after Robitaille's detention or invocation of his right to counsel.
2. Whether the fifteen-minute period between Robitaille's invocation of his right to counsel and his subsequent waiver required suppression of his statements.
3. Whether Robitaille knowingly, intelligently, and voluntarily waived his Miranda and statutory rights to counsel.
4. Whether the trial court improperly shifted the burden of proving a valid waiver to Robitaille or failed to make adequate findings concerning the totality of the circumstances.

HOLDINGS

1. The failure to contact a public defender within fifteen minutes after Robitaille's arrest and invocation of counsel did not violate the Public Defender Act in circumstances where no custodial interrogation occurred during the delay and Robitaille later knowingly, voluntarily, and intelligently waived his rights.
2. Robitaille's waiver was valid because the State proved by a preponderance of the evidence that it was voluntary, knowing, and intelligent under the totality of the circumstances.

KEY QUOTATIONS

"We hold only that under the circumstances here where defendant has been arrested and is awaiting transportation to a corrections facility, the failure to contact a public defender within fifteen minutes does not warrant suppression." (¶ 13)

"The United States Supreme Court has held that when an accused invokes his right to counsel, he or she cannot be further interrogated by police until counsel has been made available, "unless the accused himself initiates further communication, exchanges, or conversations with the police."" (¶ 16)

"The State was required to prove by a preponderance of the evidence that defendant's waiver was voluntary, and that it constituted "a knowing and intelligent relinquishment or abandonment of a known right or privilege, a matter which depends in each case upon the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the accused."" (¶ 28)

FACTUAL BACKGROUND

Robitaille was arrested in Burlington after an assault and robbery at the Enosburg Pharmacy. At the police station, he was advised of his Miranda rights, invoked his rights to remain silent and to counsel, and was not interrogated for approximately fifteen minutes while arrangements were made to transfer him to a correctional facility. Robitaille then initiated conversation about the investigation and possible cooperation, stated that he would talk without a lawyer, signed a written waiver after receiving Miranda warnings again, and provided a statement.

PROCEDURAL HISTORY

Robitaille was arrested following an assault and robbery and made statements after initially invoking his rights to remain silent and to counsel. The District Court of Vermont, Unit No. 3, Franklin Circuit denied his motion to suppress, finding that he had validly waived his Miranda rights and that the fifteen-minute delay in contacting a public defender did not violate the Public Defender Act. Robitaille entered a conditional guilty plea and appealed; the Vermont Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Nicasio, 136 Vt. 162, 165-66, 385 A.2d 1096, 1099 (1978)
- State v. Savo, 139 Vt. 644, 433 A.2d 292 (1981)
- State v. Pontbriand, 2005 VT 20, ¶ 12, 178 Vt. 120, 878 A.2d 227
- State v. Picknell, 142 Vt. 215, 223-25, 454 A.2d 711, 714-15 (1982)
- State v. Provost, 2005 VT 134, ¶¶ 7-8, 179 Vt. 337, 896 A.2d 55
- Edwards v. Arizona, 451 U.S. 477, 481-86 (1981)
- State v. Yoh, 2006 VT 49A, ¶ 13, 180 Vt. 317, 910 A.2d 853
- Moran v. Burbine, 475 U.S. 412, 422-23 (1986)
- State v. FitzGerald, 165 Vt. 343, 345, 683 A.2d 10, 13 (1996)
- State v. Christmas, 2009 VT 75, ¶¶ 12-13, 186 Vt. 244, 980 A.2d 790
- State v. Nemkovich, 168 Vt. 8, 11, 712 A.2d 899, 901 (1997)
- State v. Duff, 136 Vt. 537, 539, 394 A.2d 1145, 1146 (1978)
- State v. Ives, 162 Vt. 131, 134-35, 648 A.2d 129, 131 (1994)
- State v. Olson, 153 Vt. 226, 232, 571 A.2d 619, 623 (1989)
- North Carolina v. Butler, 441 U.S. 369, 373 (1979)
- State v. Mumley, 2009 VT 48, ¶¶ 15-16, 186 Vt. 52, 978 A.2d 6
- State v. Malinowski, 148 Vt. 517, 536 A.2d 921 (1987)
- State v. Haskins, 178 S.E.2d 610, 615 (N.C. 1971)
- Delta Psi Fraternity v. City of Burlington, 2008 VT 129, ¶ 7, 185 Vt. 129, 969 A.2d 54
- State v. Stoddard, 537 A.2d 446, 452 (Conn. 1988)
- State v. Ababa, 65 P.3d 156, 162 (Haw. 2003)
- City of Lakewood v. Waselenchuk, 641 N.E.2d 767, 769-70 (Ohio Ct. App. 1994)
- State v. Dunn, 28 P.3d 789, 791-92 (Wash. Ct. App. 2001)