

SUPREME COURT OF VERMONT

In re M.A.

189 Vt. 354 (2011) · Decided January 28, 2011

SUMMARY

The Vermont Supreme Court affirmed an order placing M.A., who had been found incompetent to stand trial, in the custody of the Commissioner of Disability, Aging and Independent Living. The court held that the district court had jurisdiction over the post-incompetency placement proceeding under 13 V.S.A. § 4820, notwithstanding the family court’s jurisdiction over proceedings filed under Title 18. The court also concluded that clear and convincing evidence supported the finding that M.A. posed a danger of harm to others.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Burgess, J.; Burgess; Dooley; Johnson; Reiber; Skoglund
JURISDICTION	Vermont
DECIDED	January 28, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	M.A., a criminal defendant found incompetent to stand trial, appealed a district court order placing him in the custody of the Commissioner of Disability, Aging and Independent Living under Vermont's Act 248 procedures.
STANDARD OF REVIEW	The placement determination is reviewed for clear error. Findings supporting clear and convincing evidence are reversed only when the record shows clear error; factual findings are reviewed for credible evidence, with credibility and weight left to the trial court's discretion and the evidence viewed in the light most favorable to the State.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	M.A. v. State of Vermont

TOPICS

- criminal procedure
- statutory interpretation
- evidence
- burden of proof

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court, rather than the family court, had jurisdiction to conduct an Act 248 custodial placement proceeding arising automatically from a criminal court's determination that the defendant was incompetent to stand trial.
2. Whether clear and convincing evidence supported the finding that M.A. presented a danger of harm to others under 18 V.S.A. § 8839.
3. Whether M.A.'s cognitive limitations and the detective's interrogation techniques rendered his admissions involuntary or unreliable for purposes of the placement determination.

HOLDINGS

1. The district court properly exercised jurisdiction because family-court jurisdiction applies to commitment proceedings filed pursuant to Title 18, whereas a custodial placement proceeding arising from a criminal court's incompetency determination proceeds automatically under Title 13 in the court that found the defendant incompetent.
2. The evidence supported by clear and convincing evidence the finding that M.A. presented a danger of harm to others, because the trial court reasonably found that he had committed sexual assault or lewd or lascivious conduct with a child.
3. M.A.'s cognitive limitations, standing alone, did not render his statements involuntary or unreliable, and the record did not establish coercive police conduct or clear error in the trial court's finding that his will was not overborne.

KEY QUOTATIONS

“There is no conflict between these two provisions since family court jurisdiction expressly lies for cases filed pursuant to Title 18, while commitment cases arising under Title 13 are not filed at all, but proceed automatically from the criminal court’s finding of defendant incompetence in the course of an underlying criminal prosecution.” (189 Vt. at 360-61)

“The test ... is not whether this Court is persuaded that there was clear and convincing evidence, but whether the factfinder could reasonably have concluded that the required factual predicate was highly probable.” (189 Vt. at 362)

“Furthermore, there is no basis in either the law or the facts presented to conclude that defendant’s cognitive limitations, standing alone, rendered his statements involuntary or unreliable.” (189 Vt. at 363)

FACTUAL BACKGROUND

M.A., who had mild intellectual disability, spent substantial time alone with a nine-year-old girl, H.H., and admitted during a four-hour police interview to sexual contact with H.H. and two other girls. Although the detective used persistent and sophisticated questioning, the district court found no abusive, threatening, or coercive conduct and determined that M.A.'s statements were voluntary. After M.A. was found incompetent to

stand trial, the district court relied on H.H.'s testimony, M.A.'s admissions, and an authenticated letter to find by clear and convincing evidence that he had committed sexual assaults or lewd and lascivious conduct and posed a danger to others.

PROCEDURAL HISTORY

M.A. was charged with sexual assault and lewd or lascivious conduct with a child. The district court denied his motion to suppress statements, later found him incompetent to stand trial, conducted a placement hearing, found by clear and convincing evidence that he was dangerous to others and in need of custody, care, and habilitation, and ordered placement with the Commissioner. The Vermont Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Bean, 171 Vt. 290, 295, 762 A.2d 1259, 1262 (2000)
- Soucy v. Soucy Motors, Inc., 143 Vt. 615, 620, 471 A.2d 224, 227 (1983)
- State v. Willis, 145 Vt. 459, 494 A.2d 108 (1985)
- In re S. Burlington-Shelburne Highway Project, 174 Vt. 604, 605, 817 A.2d 49, 51 (2002) (mem.)
- In re Estate of Cote, 2004 VT 17, ¶ 10, 176 Vt. 293, 848 A.2d 264
- In re E.T., 2004 VT 111, ¶ 13, 177 Vt. 405, 865 A.2d 416
- In re A.F., 160 Vt. 175, 178, 624 A.2d 867, 869 (1993)
- State v. McCarty, 2006 VT 4, ¶ 12, 179 Vt. 593, 892 A.2d 250 (mem.)
- State v. Fairbanks, 128 Vt. 298, 300, 187 A.2d 335, 336-37 (1963)
- Colorado v. Connelly, 479 U.S. 157, 167 (1986)
- State v. Ives, 162 Vt. 131, 134, 648 A.2d 129, 131 (1994)

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