

SUPREME COURT OF VERMONT

State v. Cram

955 A.2d 528 (Vt. 2008) · No. No. 07-054 · Decided May 1, 2008

SUMMARY

The Vermont Supreme Court affirmed the denial of Mandy Cram’s motion to dismiss a felony unlawful-trespass charge. The court held that circumstantial evidence, viewed in the light most favorable to the State, was sufficient to support an inference that Cram knew she was not licensed or privileged to enter the homeowner’s dwelling under 13 V.S.A. § 3705(d).

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Reiber, C.J.; Dooley, Associate Justice; Johnson, Associate Justice; Skoglund, Associate Justice; Burgess, Associate Justice
JURISDICTION	Vermont
DECIDED	May 1, 2008
DOCKET	No. 07-054
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the Addison District Court's denial of her motion to dismiss felony unlawful-trespass charges for failure to establish a prima facie case. She entered a conditional guilty plea reserving the right to appeal that ruling and separately pleaded guilty to driving with a suspended license.
STANDARD OF REVIEW	The court considered whether the evidence, taken in the light most favorable to the State and excluding modifying evidence, would fairly and reasonably tend to show beyond a reasonable doubt that defendant committed the offense.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion
PARTIES	Mandy Cram v. State of Vermont

TOPICS

- criminal procedure
- evidence
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the State presented sufficient evidence to establish a prima facie case under Vermont's unlawful-trespass statute.
2. Whether circumstantial evidence was sufficient to support an inference that defendant knew she was not licensed or privileged to enter the dwelling.

HOLDINGS

1. The State presented sufficient circumstantial evidence for a reasonable factfinder to infer that defendant knowingly entered the dwelling without a license or privilege; therefore, the district court properly denied the motion to dismiss.

KEY QUOTATIONS

“In reviewing defendant's argument, we consider whether the evidence, “taken in the light most favorable to the State, excluding modifying evidence, would fairly and reasonably tend to show defendant committed the offense, beyond a reasonable doubt.”” (¶ 2)

“We hold that defendant's acts and the surrounding circumstantial evidence support an inference of guilt sufficient to sustain the trial court's denial of defendant's motion to dismiss.” (¶ 10)

“In sum, the State presented sufficient circumstantial evidence that defendant was not licensed or privileged to enter homeowner's house to allow the district court to deny defendant's motion to dismiss.” (¶ 13)

FACTUAL BACKGROUND

A homeowner in Salisbury, Vermont, encountered Cram inside his rural home after she had parked her vehicle behind the house, where it was not visible from the road. The home's exterior doors were generally locked, and Cram had entered without the homeowner's permission, passing at least one telephone before encountering him. She said her car was overheating and that she entered the residence to call her husband; a trooper also observed that her identification card was bent and cracked in a manner consistent with use to pry open doors.

PROCEDURAL HISTORY

The Addison District Court denied defendant's motion to dismiss under V.R.Cr.P. 12(d). Defendant then entered a conditional guilty plea to the unlawful-trespass charges and appealed the denial of her motion. The Supreme Court of Vermont affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Millette, 173 Vt. 596, 596, 795 A.2d 1182, 1183 (2002) (mem.)
- State v. Gibney, 2003 VT 26, ¶ 14, 175 Vt. 180, 825 A.2d 32
- State v. Fanger, 164 Vt. 48, 52, 665 A.2d 36, 38 (1995)
- State v. Kreth, 150 Vt. 406, 410, 553 A.2d 554, 556 (1988)
- State v. Cole, 150 Vt. 453, 456, 554 A.2d 253, 255 (1988)
- Botka v. Estate of Hoerr, 105 Wash. App. 974, 21 P.3d 723 (2001)
- Riley v. Harris, 177 Mass. 163, 58 N.E. 584 (1900)
- Jacobs v. City of Jacksonville, 762 F. Supp. 327 (M.D. Fla. 1991)
- State v. Cram, 157 Vt. 466, 469, 600 A.2d 733, 734-35 (1991)
- Adams v. Adams, 2005 VT 4, ¶ 15, 177 Vt. 448, 869 A.2d 124

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