

SUPREME COURT OF VERMONT

State v. Christopher D. Hale

2021 VT 18, No. 2020-028 · No. 2020-028 · Decided March 26, 2021

SUMMARY

The Vermont Supreme Court affirmed Christopher D. Hale’s conviction for possessing brass knuckles with intent to use them under 13 V.S.A. § 4001. The majority held that the statute does not require an imminent or immediate intent to use the weapon and concluded that Hale’s statement that he possessed the brass knuckles for protection, together with circumstantial evidence, was sufficient to support the conviction. Justice Cohen dissented, concluding that the evidence did not establish the specific intent to use the brass knuckles against another person in an actual temporal context.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Carroll, J.; Reiber, C.J.; Robinson, J.; Eaton, J.; Cohen, J.
JURISDICTION	Vermont
DECIDED	March 26, 2021
DOCKET	2020-028
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the denial of his motion for judgment of acquittal following his jury conviction for possessing brass knuckles with intent to use them.
STANDARD OF REVIEW	The denial of a judgment of acquittal is reviewed de novo. On a sufficiency-of-the-evidence claim, the court views the evidence in the light most favorable to the State, excludes modifying evidence, and determines whether the evidence could fairly and reasonably convince a trier of fact of guilt beyond a reasonable doubt.
PRECEDENTIAL VALUE	published Vermont Supreme Court opinion
PARTIES	Christopher D. Hale v. State of Vermont

TOPICS

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

PRACTICE AREAS

criminal law

criminal procedure

statutory interpretation

appellate practice

QUESTIONS PRESENTED

1. Whether 13 V.S.A. § 4001 requires an imminent or immediate intent to use brass knuckles, rather than an intent to use them at some future time.
2. Whether the evidence was sufficient for a rational trier of fact to find beyond a reasonable doubt that defendant possessed brass knuckles with intent to use them.

HOLDINGS

1. The phrase "intent to use" in § 4001 does not include an imminency or immediacy requirement; possession is prohibited when the defendant intends to use brass knuckles or similar weapons presently or in the future for the purpose of causing harm.
2. The evidence was sufficient to support defendant's conviction for possessing brass knuckles with intent to use them.

KEY QUOTATIONS

"Section 4001 requires only intent to use, not imminent or immediate intent to use." (§ 14)

"In sum, we conclude that in prohibiting possession with the intent to use, the Legislature was not concerned with how imminently a person intends to use brass knuckles and similar weapons." (§ 17)

"Viewing the evidence in the light most favorable to the State, defendant's statement that he had the brass knuckles for protection—coupled with the other circumstantial evidence, including that defendant was in his vehicle at night possessing several hundred dollars' worth of marijuana—was sufficient to convince a trier of fact beyond a reasonable doubt that defendant possessed brass knuckles with the intent to use them." (§ 19)

FACTUAL BACKGROUND

Police officers approached defendant while he was sitting in a vehicle at an apartment complex and appearing to smoke marijuana. After defendant consented to a vehicle search, officers found approximately one and one-half ounces of marijuana; during booking, an officer found brass knuckles in defendant's front pocket. When asked why he possessed them, defendant said he had them for protection. The majority held that this statement, together with circumstantial evidence concerning defendant's nighttime possession of valuable marijuana at an apartment complex where he did not live, was sufficient to support an inference that he intended to use the brass knuckles.

PROCEDURAL HISTORY

Defendant was charged by information with possession of marijuana and possession of brass knuckles with intent to use them. The marijuana charge was dismissed, and a jury convicted defendant on the brass-knuckles charge after the trial court denied his Rule 29 motion for judgment of acquittal. The Supreme Court of Vermont affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Berard, 2019 VT 65, ¶ 7, ____ Vt. ____, 220 A.3d 759
- State v. Stephens, 2020 VT 87, ¶ 10
- State v. Discola, 2018 VT 7, ¶ 18, 207 Vt. 216, 184 A.3d 1177
- State v. Johnson, 2013 VT 116, ¶ 27, 195 Vt. 498, 90 A.3d 874
- State v. Billington, 2020 VT 78, ¶¶ 10, 17
- State v. Brunner, 2014 VT 62, ¶¶ 11-12, 196 Vt. 571, 99 A.3d 1019
- State v. Fuller, 163 Vt. 523, 528, 660 A.2d 302, 305 (1995)
- State v. Dow, 2016 VT 91, ¶ 8, 202 Vt. 616, 152 A.3d 437
- State v. Devoid, 2010 VT 86, ¶¶ 10-11, 188 Vt. 445, 8 A.3d 1076
- In re K.A., 2016 VT 52, ¶ 9, 202 Vt. 86, 147 A.3d 81
- Monroe v. United States, 598 A.2d 439, 442 (D.C. 1991)
- United States v. Williams, 601 F. App'x 423, 424-25 (6th Cir. 2015)
- State v. Slayton, 417 N.W.2d 432, 434-35 (Iowa 1987)
- State v. McAuliffe, 366 P.3d 1206, 1210 (Or. Ct. App. 2016)
- People v. Sullivan, 263 N.E.2d 38, 39-40 (Ill. 1970)
- State v. Buchanan, 207 N.W.2d 784, 786 (Iowa 1973)
- State v. Greene, 134 A.2d 118, 122-24 (N.J. Super. Ct. App. Div. 1957)
- People v. Galindo, 17 N.E.3d 1121, 1124-27 (N.Y. 2014)
- State v. Linthwaite, 665 P.2d 863, 868-69 (Or. 1983) (en banc)
- State v. Read, 165 Vt. 141, 149, 680 A.2d 944, 949 (1996)