

SUPREME COURT OF VERMONT

State v. Glen Haskins, Jr.

202 Vt. 461 (2016) · No. 2014-299 · Decided July 15, 2016

SUMMARY

The Vermont Supreme Court affirmed Glen Haskins, Jr.'s conviction for attempted second-degree murder arising from a 2012 stabbing in Burlington. The court held that the trial court improperly excluded proposed testimony about a witness's statement to police because it was offered to show falsity rather than truth, but concluded the error was harmless. The court also addressed challenges to the reasonable-doubt and intent-to-kill jury instructions.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Reiber, C.J.; Dooley, J.; Skoglund, J.; Robinson, J.; Eaton, J.
JURISDICTION	Vermont
DECIDED	July 15, 2016
DOCKET	2014-299
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his conviction for attempted second-degree murder, challenging the exclusion of impeachment evidence and several jury instructions.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Preserved evidentiary error is reviewed for harmless error, and the conviction is upheld if the error was harmless beyond a reasonable doubt. Jury instructions are reviewed as a whole; unpreserved instructional claims are reviewed for plain error, requiring an obvious prejudicial error that seriously affects the fairness, integrity, or public reputation of judicial proceedings.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Glen Haskins, Jr. v. State of Vermont

TOPICS

- criminal procedure
- evidence
- jury instructions
- reasonable doubt
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

jury instructions

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly excluded a police officer's testimony about Chad Limoge's report that he learned defendant was the assailant from statements by other witnesses.
2. Whether instructing the jury that proof beyond a reasonable doubt requires conviction with 'great certainty' misstated the burden of proof.
3. Whether the intent-to-kill instruction improperly suggested that defendant possessed the required intent.
4. Whether the court committed plain error by permitting the jury to infer intent to kill from the use and manner of use of a deadly weapon without separately instructing that the underlying facts had to be proven beyond a reasonable doubt.

HOLDINGS

1. The trial court erred by excluding the officer's testimony on hearsay grounds because the testimony was offered to show that Limoge was lying about what he had overheard, not to prove the truth of the asserted statement. The error was harmless beyond a reasonable doubt.
2. The trial court did not err by explaining that proof beyond a reasonable doubt means being convinced with 'great certainty' rather than 'utmost certainty.'
3. The intent instruction properly stated the law and did not improperly suggest that defendant possessed an intent to kill.
4. The trial court did not commit plain error, because the instructions as a whole were not misleading and expressly required proof of every essential element beyond a reasonable doubt.

KEY QUOTATIONS

“The testimony was not offered to prove that Limoge heard Giles and Sturtevant talking about defendant being the assailant, but rather the opposite—to suggest that Limoge was lying to police about what he overheard the women saying. This does not constitute hearsay.” (202 Vt. at 467)

“The two primary components of this determination are weighing (1) the strength of the case against defendant without the excluded evidence, and (2) the strength of the excluded evidence.” (202 Vt. at 468)

“As we stated in Levitt, however, we discourage any attempts to explain the term “reasonable doubt,” which we have described as a “hazardous undertaking.”” (202 Vt. at 475)

FACTUAL BACKGROUND

In the early morning of January 15, 2012, a group of people leaving a Burlington nightclub pursued a man after an altercation, and the man was stabbed in the abdomen. The victim could not identify the assailant, and witness accounts were conflicting, but several witnesses connected defendant to the stabbing, including testimony that

defendant confessed to his former girlfriend. Defendant claimed that members of the group conspired to frame him to protect the actual perpetrator.

PROCEDURAL HISTORY

After a jury convicted defendant of attempted second-degree murder, the Superior Court, Chittenden Unit, Criminal Division sentenced him to twenty years to life, all suspended except twelve years. Defendant appealed to the Vermont Supreme Court, which affirmed the conviction.

DISPOSITION

affirmed

CASES CITED

- State v. Noyes, 2015 VT 11, ¶ 13, 198 Vt. 360, 114 A.3d 1156 (2015)
- State v. Parker, 149 Vt. 393, 401, 545 A.2d 512, 517 (1988)
- State v. Madigan, 2015 VT 59, ¶ 32, 199 Vt. 211, 122 A.3d 517 (2015)
- United States v. Hathaway, 798 F.2d 902, 905 (6th Cir. 1986)
- United States v. Brown, 560 F.3d 754, 765 (8th Cir. 2009)
- State v. Lipka, 174 Vt. 377, 384-85, 817 A.2d 27, 33-34 (2002)
- Coy v. Iowa, 487 U.S. 1012, 1022 (1988)
- State v. Groce, 2014 VT 122, ¶¶ 19, 22, 198 Vt. 74, 111 A.3d 1273 (2014)
- State v. Herring, 2010 VT 106, ¶ 13, 189 Vt. 211, 19 A.3d 81 (2010)
- State v. Hazelton, 2006 VT 121, ¶¶ 20-21, 181 Vt. 118, 915 A.2d 224 (2006)
- State v. Levitt, 2016 VT 60, ¶¶ 5-14, 202 Vt. 193, 148 A.3d 204 (2016)
- In re Winship, 397 U.S. 358, 364 (1970)
- State v. Gokey, 136 Vt. 33, 36, 383 A.2d 601, 602 (1978)
- State v. Blish, 172 Vt. 265, 272, 776 A.2d 380, 386 (2001)
- State v. Cole, 150 Vt. 453, 456, 554 A.2d 253, 255 (1988)
- State v. Bacon, 163 Vt. 279, 292, 658 A.2d 54, 63 (1995)
- State v. Johnson, 2013 VT 116, ¶ 29, 195 Vt. 498, 90 A.3d 874 (2013)
- State v. Camley, 140 Vt. 483, 489-90, 438 A.2d 1131, 1134 (1981)
- State v. Brisson, 119 Vt. 48, 53, 117 A.2d 255, 258 (1955)
- State v. Vuley, 2013 VT 9, ¶ 1, 193 Vt. 622, 70 A.3d 940 (2013)
- State v. Herrick, 2011 VT 94, ¶ 18, 190 Vt. 292, 30 A.3d 1285 (2011)
- State v. Fucci, 2015 VT 39, ¶ 13, 198 Vt. 482, 117 A.3d 419 (2015)

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