

SUPREME COURT OF VERMONT

In re Carroll

182 Vt. 571 (2007) · Decided July 19, 2007

SUMMARY

The Vermont Supreme Court affirmed the denial of a petition for post-conviction relief challenging guilty pleas entered after the State charged the petitioner with thirty-one counts related to hazardous and solid waste disposal. The court held that the petitioner knowingly waived a pending challenge to allegedly duplicative counts by pleading guilty, was not prejudiced by the charging structure, and failed to establish that his pleas were involuntary.

CASE DETAILS

COURT	Supreme Court of Vermont
JURISDICTION	Vermont
DECIDED	July 19, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed the superior court's grant of the State's motion for summary judgment and denial of his petition for post-conviction relief seeking to vacate guilty pleas.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same standard applied by the trial court. In a post-conviction proceeding, the petitioner bears the burden of proving by a preponderance of the evidence that fundamental errors rendered the conviction defective and bears the burden of demonstrating prejudice.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential.
PARTIES	Carroll v. State of Vermont

TOPICS

- post-conviction relief
- plea bargaining
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- Post-conviction relief
- Criminal procedure
- Guilty pleas
- Summary judgment
- Statutory interpretation

QUESTIONS PRESENTED

1. Whether the superior court properly granted summary judgment on Carroll's post-conviction claim that allegedly duplicative and excessive charging rendered his guilty pleas involuntary.
2. Whether Carroll was prejudiced by the allegedly duplicative charging when he pleaded guilty to only the three counts he conceded could properly be prosecuted and faced the same potential life sentence regardless of the number of counts.
3. Whether the superior court was required to decide whether all thirty-one charges could legally be maintained.

HOLDINGS

1. Summary judgment was proper because the undisputed facts did not establish that Carroll's pleas were involuntary or that the allegedly duplicative charging prejudiced him.
2. The superior court was not required to decide whether all thirty-one counts could have been maintained because resolution of that issue was unnecessary to the summary-judgment decision.
3. The Supreme Court of Vermont reviews a trial court's summary-judgment decision in a post-conviction proceeding de novo and applies the same standard as the trial court.

KEY QUOTATIONS

"Summary judgment is appropriate when there are no genuine issues of material fact and, viewing the evidence in a light most favorable to the nonmoving party, the moving party is entitled to judgment as a matter of law." (§ 8)

FACTUAL BACKGROUND

Carroll was charged with thirty-one counts arising from one incident in which he dumped twenty-four barrels of waste into the Otter Creek. After the State added a habitual-offender charge, Carroll moved to strike allegedly duplicative counts but then pleaded guilty to one count of each type of offense, with the other twenty-eight counts dismissed. At the plea hearing, he expressly acknowledged that pleading guilty would waive any ruling on his pending motions. He later claimed that the overcharging made his pleas involuntary, but the court found that he faced the same potential life sentence whether tried on one, three, or thirty-one counts and that he could not show prejudice.

PROCEDURAL HISTORY

Carroll was charged with thirty-one hazardous-waste and solid-waste offenses and later charged as a habitual offender. He pleaded guilty to three counts under an agreement capping the sentence at five to fifteen years, and the remaining counts were dismissed. After sentencing, he filed a post-conviction petition alleging that excessive and legally duplicative charging rendered his pleas involuntary. The superior court granted the State's motion for summary judgment, and the Vermont Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Carter, 2004 VT 21, ¶ 6, 176 Vt. 322, 848 A.2d 281
- In re Liberty, 154 Vt. 643, 644, 572 A.2d 1381, 1382 (1990) (mem.)
- In re Kivela, 145 Vt. 454, 458, 494 A.2d 126, 129 (1985)
- People v. Edison, 467 N.Y.S.2d 368, 368 (App. Div. 1983) (mem.)
- Brady v. United States, 397 U.S. 742, 751 n.8 (1970)