

STATE OF VERMONT

SUPERIOR COURT
Lamoille Unit

CIVIL DIVISION
Docket No. 41-3-15 Lecv

FILED

In re STANLEY REYNOLDS

AUG 05 2020

Upon Remand from the Vermont Supreme Court

VERMONT SUPERIOR COURT
LAMOILLE UNIT

The case was remanded by the Vermont Supreme Court to the Superior Court by Entry Order of April 17, 2020 and Mandate Letter of June 23, 2020 with instructions to the Petitioner to provide the undersigned with a transcript of the underlying trial so that this court could make "additional findings as appropriate."

Petitioner provided the transcript of the underlying trial and the court has reviewed it.

The original Findings of Fact and Conclusions of Law were set forth in a Decision of February 21, 2019, which the court hereby incorporates in full. Following review of the transcript, the court makes the following Additional Findings of Fact, and Amends the Conclusions of Law as set forth below.

Additional Findings of Fact

Mr. Reynolds's grandson did not testify at trial that he knew before February 22, 2010 that Mr. Reynolds was having a sexual affair with Samantha Turner. He was only testifying that he knew about it at time of trial.¹ The reasonable inference from the grandson's testimony is that he learned of it "Friday," which was after the incident and after the police became involved. Thus, there were no independent witnesses who testified about any knowledge before February 22, 2010 of whether Mr. Reynolds and Samantha Turner had had an ongoing sexual relationship for a period of years.

Samantha Turner testified unequivocally at the trial that she had never previously had sex with Mr. Reynolds. "Never. He's my family. He's my family. I never had sex with him." (Transcript of February 14, 2012, page 106).

Because Ms. Turner testified that she had never previously had sex with Mr. Reynolds before February 22, 2010 and also that he raped her on that day, and Mr. Reynolds's position was that while there was sex that day it was consensual and part of a lengthy clandestine sexual relationship that had gone on for years, the outcome of the case before the jury depended entirely on the jurors' assessment of witness credibility. All evidence related to issues of credibility. Mr. Reynolds did not testify, and no witnesses who were called testified as to any knowledge of evidence of a prior sexual relationship.

¹ This contradicts a fact apparently used by the State's expert witness at trial in formulating his opinion that the witnesses who testified at trial were "sufficient." See page 6 of Decision.

Amended Conclusions of Law

The court previously concluded that trial counsel's work constituted ineffective assistance of counsel based on the failure to sufficiently prepare in advance of trial and thus the failure to be able to call as witnesses at trial persons who could have supported Mr. Reynolds's factual position and challenged Samantha Turner's credibility. This conclusion is not amended.

The court previously concluded that the burden of proof was not met as to the second prong required for post conviction relief: prejudice. See pages 8-11 of the Decision.

Having reviewed the transcript, the court amends that conclusion and now concludes that the substandard performance clearly prejudiced Mr. Reynolds at trial. The entire case turned on the credibility of Samantha Turner. Both experts opined that if the Reynolds brothers had testified at trial, it could have made a difference in the outcome, but the court previously could not evaluate those opinions in light of the legal standard for prejudice because it did not have evidence of the underlying facts on which they based their opinions: the context of the full testimony at trial and the accuracy of what that testimony was.

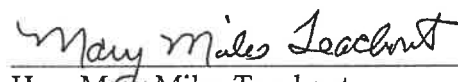
The trial transcript makes clear that the additional witnesses, who should have been discovered by trial counsel if preparation had been early enough and sufficient, would have provided testimony supporting the existence of a prior sexual relationship. The testimony would have cast doubt on both Samantha Turner's adamant denial of a prior sexual relationship and the credibility of her allegation of rape. Specifically, if Steven Reynolds, Sydney Reynolds, Dorothy Fletcher, and Fred Fletcher had testified, they were independent witnesses whose testimony based on observation of conduct could have been believed by the jury on the issue of a prior sexual relationship and tipped the scales on the issue of credibility. Now that it is clear that the grandson's testimony did not support that point, it is also clear that there were no witnesses who provided testimony in support of Mr. Reynolds's position that the sex was consented to as part of an ongoing relationship. The jury only learned of his position indirectly through the testimony of the law enforcement officer, who appeared not to believe it. Thus, the testimony of the additional witnesses is highly likely to have been important to the jury on the important issue of credibility.

Accordingly, the court concludes that both ineffective assistance of counsel and prejudice have been shown, and the conviction must be vacated.

ORDER

The conviction of Stanley Reynolds in Docket 116-3-10 Lecr is hereby VACATED. A copy of this Order shall be filed the Criminal Division of the Lamoille Unit of the Vermont Superior Court for further proceedings in the Criminal Division.

Dated this 5th day of August, 2020.



Hon. Mary Miles Teachout
Superior Court Judge