

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

STATE OF DELAWARE)
)
 v.) ID #0207003810
) Cr.A. Nos. 02-07-0308, 02-07-0309
 LINDA L. CHARBONNEAU,) 02-07-0310, 02-07-0311, 02-07-0312
)
 Defendant.)

FINDINGS AFTER PENALTY HEARING

Penalty Hearing Concluded: April 29, 2004
Decided: June 4, 2004

James W. Adkins, Esquire and Paula T. Ryan, Esquire, Deputy Attorneys General, Georgetown, Delaware, attorneys for the State of Delaware.

Thomas A. Pedersen, Esquire and Craig A. Karsnitz, Esquire, Georgetown, Delaware, attorneys for defendant.

STOKES, J.

I. BACKGROUND

The defendant, Linda L. Charbonneau, was convicted on April 21, 2004, by a jury of two offenses of Murder in the First Degree, 11 *Del.C.* § 636; two offenses of Conspiracy in the First Degree, 11 *Del.C.* § 513(1); and Possession of a Deadly Weapon During the Commission of a Felony, 11 *Del.C.* § 1447(a). The victims were John Charbonneau and William H. Sproates, who were killed on or about September 23, 2001 and October 17, 2001, respectively. The State of Delaware (“the State”) and defense gave notice of the aggravating and mitigating circumstances for the penalty hearing on the appropriate punishment for the murder convictions. The penalty hearing concluded on April 29, 2004.

At the hearing, the State relied upon three statutory aggravating circumstances for each murder. These factors were: (1) the defendant’s course of conduct resulted in the deaths of two persons where the deaths were the probable consequence of the defendant’s conduct, (2) the defendant caused or directed another to commit the murder, and (3) the murder was premeditated and the result of substantial planning. 11 *Del.C.* § 4209(e)(1)(k),(m) and (u).

The prosecution also relied upon the following non-statutory aggravating factors:

1. Prior abuse of the victims by the defendant.
2. The defendant’s selfish and greedy motivation for the murder of John Charbonneau.
3. The impact of the victims’ murders on their relatives.

4. The lack of provocation by the victims.

The defense relied upon the following mitigating circumstances:

1. Lack of criminal record.
2. Long and good work history.
3. Proportionality of sentencing and treatment of co-defendants.
4. Long history of care of grandchildren.
5. Good prison behavior.
6. Positive impact defendant can have on younger inmates.
7. Religious faith.
8. Love/relationship defendant has with her family.
9. Impact defendant's death would have on her mother.

A penalty hearing was held on April 27- 29, 2004. Both sides presented evidence.

The defendant exercised her right of allocution. Given the finding of guilt for the two murders, the jury was directed to return a verdict establishing the first statutory aggravator. The jury also found unanimously and beyond a reasonable doubt for the other two statutory circumstances.

Concerning the punishment, the jury was asked the following question: "Does the jury find by a preponderance of the evidence, after weighing all relevant evidence in aggravation or mitigation which bears upon the particular circumstances or details of the commission of the offense and character and propensities of the offender, that the

aggravating circumstances found to exist outweigh the mitigating circumstances found to exist?” The jury was instructed that an affirmative response was a vote to recommend the death penalty. Its vote was 10 to 2 in favor of the death penalty for the murder of John Charbonneau. Its vote was 9 to 3 in favor of the death penalty for the murder of William Sproates.

Linda Charbonneau is eligible for the death penalty given the jury’s findings on the statutory aggravating circumstances. It is the Court’s decision on whether capital punishment or life imprisonment is given to the defendant. 11 *Del.C.* § 4209(d).

II. THE NATURE AND CIRCUMSTANCES OF THE CRIMES

The defendant was married to John Charbonneau and later to William Sproates. John Charbonneau was Sproates’ uncle. John Charbonneau lived in Bridgeville, Delaware, and William Sproates resided in Magnolia, Delaware. The defendant resided off and on with both Charbonneau and Sproates. One of Linda Charbonneau’s children, Mellisa Rucinski, lived with her both at the Bridgeville and Magnolia residences during and after the murders.

Linda Charbonneau had a continuing conflict with John Charbonneau over property. Eventually, she formulated a plan to kill him. In the fall of 2000, Linda Charbonneau had Mellisa Rucinski ask her husband, John Rucinski, to kill John Charbonneau. He refused to join the conspiracy. The Rucinski’s marriage later ended in divorce.

The differences between Linda and John Charbonneau escalated. On August 15, 2000, John Charbonneau called 911 and reported that he had more abuse than he could stand.

On September 19, 2001, the police assisted a Department of Family Services investigation of alleged abuse by John Charbonneau with one of his grandchildren. Tension arose over where a grandchild would sleep. Later, Linda and John Charbonneau disagreed about a statue. While the item was small, it assumed major proportions which reflected their dysfunctional relationship.

During this time, Mellisa Rucinski found a boyfriend over the internet named Willie A. Brown (“Brown”). Brown was in work release and had a felony conviction record. Linda Charbonneau paid Brown’s court assessments. Because he was an Afro-American, he was not welcomed by either John Charbonneau or William Sproates.

Linda Charbonneau and Mellisa Rucinski enlisted Brown in the plan to kill John Charbonneau. In this regard, on September 23, 2001, Linda Charbonneau and John Charbonneau were at the Bridgeville residence. Linda Charbonneau called Mellisa Rucinski to come to the house to put the plan in motion. Brown followed Rucinski to Bridgeville. When Brown entered, Linda Charbonneau falsely told John Charbonneau that someone was breaking into the residence. Defendant walked down the hallway behind him to the kitchen.

There, Willie Brown assaulted John Charbonneau. He viciously struck him in the

face and knocked him to the floor. The victim cried out for Linda Charbonneau not to let this happen. His plea fell on deaf ears as she watched.

John Charbonneau was put in Linda Charbonneau's van. Rucinski drove the van to a secluded spot outside Millsboro. There, Brown bludgeoned him to death and buried him. Brown called Linda Charbonneau to tell her the job was done.

At Bridgeville, Linda Charbonneau cleaned up the blood in the kitchen. She threw away one of his shoes. When his body was recovered, it had the other shoe. Defendant rearranged furniture which was disturbed during Brown's attack. When Brown returned, he told her everything was taken care of, and John Charbonneau would not be coming home. Linda Charbonneau developed cover stories for herself and her co-conspirators. To disguise the crime, false explanations would be given that John Charbonneau was either on jury duty or away.

Soon afterward, John Charbonneau's sister, Jerryann Heath ("Heath"), and other relatives asked about his well-being. Heath called the Delaware State Police and visited the Bridgeville home to try to find him on September 28, 2001. Linda Charbonneau claimed to have had nothing to do with him and said he had been serving on a jury on Friday, September 28th. An officer doing a welfare check received the same story from Rucinski. While John Charbonneau was summoned for two weeks of jury duty during this time, the 28th was not a scheduled jury day.

To further conceal the crime, Linda Charbonneau had her son, Willard McCrae,

and his father-in-law, Albert Cole, dispose of John Charbonneau's Cadillac. She handed over the keys and advised that the car should be removed from the yard. It ultimately was left for salvage in Maryland. She and Rucinski also changed the Bridgeville address to a post office box in Felton.

After the murder, Linda Charbonneau gained access to John Charbonneau's bank account where social security checks continued to be deposited. The defendant gave John Charbonneau's MAC card and P.I.N. information to Rucinski who withdrew money and shared it with defendant.

Moreover, Linda Charbonneau moved practically all the property to Sproates' Magnolia home. The Bridgeville house was stripped. Kitchen cabinets, carpet, and linoleum were re-installed in the Magnolia house. The fence, pool, and shed in the backyard were removed along with shutters, storm doors, and light fixtures. She was seen moving the cabinets and other property along with Brown, Rucinski, and McCrae. McCrae knew John Charbonneau valued his property but defendant told him not to worry because John Charbonneau was not coming back. Later, in a police interview, Linda Charbonneau said that Sproates agreed she could move with the grandchildren, that she began moving items in the summer, and that she finished the move by October 19, 2001.

Among the property moved by Linda Charbonneau was one or more bloody boxes. Sproates was scared and immediately asked questions. At some point, Linda Charbonneau told him to be quiet or he would get the same thing as his uncle. Sproates

showed a bloody box to McCrae, who saw splattered blood on it. McCrae reported this meeting to his mother. Sproates also showed the box to Patricia Blanchfield and to Roger Layton (“Layton”), a friend who was a former Maryland State policeman.

From Layton’s experience, the box displayed high velocity blood splatter consistent with a serious crime. Because of Layton, Detective Keith Marvel (“Marvel”) of the Delaware State Police spoke with Sproates by telephone. Thereafter, Marvel contacted the local troop for Bridgeville and was assured that John Charbonneau was all right. This misbelief reflected Linda Charbonneau’s coverup story. Consequently, the bloody box was not recovered, and the Delaware State Police did not have further reason to investigate.

After learning about Sproates’ questions, concerns, and activities, Linda Charbonneau decided to kill him to hide the John Charbonneau murder. She told Brown and Rucinski that something had to be done about Sproates. He was concerned about the bloody box and was too close to learning the truth about John Charbonneau’s murder. Her words became his death warrant.

On October 16, 2001, Sproates picked up his muzzle loader from his father’s farm in Maryland because he planned to hunt there with his brother the next day. In speaking with his brother and father, Sproates expressed his intention to let Linda Charbonneau move to Magnolia from Bridgeville.

However, the defendant had arranged for Sproates’ death. After Sproates left the

farm, Linda Charbonneau called him to meet her in Magnolia. She stayed in Bridgeville while Willie Brown was waiting in Magnolia to kill him. In Brown's presence, Sproates called Linda Charbonneau in Bridgeville. Linda Charbonneau did not take the call but heard Sproates' message on the answering machine. Much later, she confided to her son that Brown killed Sproates and could have been caught if the police had tapped the phone. During the investigation, she revealed that Willie Brown kept Sproates company on the day of his death.

Without doubt, Brown had brutally attacked him with a knife and bludgeon. The blood evidence in the area revealed a horrific encounter. Before dying, Sproates had to endure a ride to Bridgeville. Mellisa Rucinski and Linda Charbonneau watched as Brown completed the mission in the backyard. The autopsy determined Sproates was alive when he was buried because there was dirt in his lungs. Brown assured the defendant that Sproates was not coming out of the ground.

Another cover story was developed and circulated by Linda Charbonneau. In this masquerade, Sproates ran off with a young woman. When questioned by police on November 30, 2001, she persisted with the tale even as Sproates' body was being removed from the grave in Bridgeville. Rucinski, Brown, and Charbonneau then resided in Magnolia.

III. DISCUSSION

The law provides that if a jury has been impaneled and if it has found the existence

of at least one statutory aggravating circumstance beyond a reasonable doubt, the Court “after considering the findings and recommendation of the jury and without hearing or reviewing any additional evidence, shall impose a sentence of death if the Court finds by a preponderance of the evidence, after weighing all relevant evidence in aggravation or mitigation which bears upon the particular circumstances or details of the commission of the offense and the character and propensities of the offender, that the aggravating circumstances found by the Court to exist outweigh the mitigating circumstances found by the Court to exist.” 11 *Del.C.* § 4209(d)(1). Otherwise, a sentence of life imprisonment shall be imposed without benefit of probation or parole or any other reduction. 11 *Del.C.* § 4209(d)(2).

A. Statutory Aggravating Circumstances as to the John Charbonneau murder

By unanimous decision in the guilt phase, the jury determined that the evidence showed beyond a reasonable doubt that John Charbonneau’s murder was committed during a course of conduct which resulted in the deaths of two persons as a probable consequence of the conduct. In the penalty hearing, by unanimous decision, the jury also found that the evidence showed beyond a reasonable doubt that Linda Charbonneau caused or directed Willie Brown to murder John Charbonneau, and that Brown murdered him on her behalf. By unanimous decision, the jury further concluded that John Charbonneau’s murder was premeditated and the result of substantial planning. These statutory aggravating circumstances have been established beyond a reasonable doubt.

B. Statutory Aggravating Circumstances as to the William Sproates murder

By unanimous decision in the guilt phase, the jury determined that the evidence showed beyond a reasonable doubt that William Sproates' murder was committed during a course of conduct which resulted in the deaths of two persons as a probable consequence of the conduct. In the penalty hearing, by unanimous decision, the jury also found that the evidence showed beyond a reasonable doubt that Linda Charbonneau caused or directed Willie Brown to murder William Sproates, and that Brown murdered him on her behalf. By unanimous decision, the jury further concluded that William Sproates' murder was premeditated and the result of substantial planning. These statutory aggravating circumstances have been established beyond a reasonable doubt.

C. Non-Statutory Aggravating Circumstances as to the John Charbonneau murder

The nature of this crime has already been described. John Charbonneau was led to his death. The defendant abused him physically and mentally before the murder. For example, she ripped a phone off the wall and threw it at him when he attempted to call 911, pulled his hair, and tried to steal a jar of coins. John Rucinski observed a knot on John Charbonneau's head from the assault. Linda Charbonneau desired to get his property and social security money. The State proved that John Charbonneau's murder was motivated by defendant's greed. Certainly, the murder was not provoked. He was a disabled person and not in the best of health. John Charbonneau's death has significantly

impacted his sister. The State has proven all of the non-statutory aggravating circumstances by a preponderance of the evidence.

D. Non-Statutory Aggravating Circumstances as to William Sproates' murder

_____The nature of this crime has previously been discussed. William Sproates did nothing to provoke his murder. Linda Charbonneau intimidated and frightened him. The defendant silenced him for his curiosity. He was abused mentally and physically by Linda Charbonneau before the murder. For example, the defendant slapped him and on another occasion slammed his head into the floor. Her assaults resulted in physical injuries. She stole his property and even stripped a trailer where they once lived in a manner similar to what happened at the Bridgeville home of John Charbonneau. His relatives have suffered immeasurably by his death. The State has proven all of the non-statutory aggravating circumstances by a preponderance of the evidence.

E. Mitigating Circumstances as to the murders of John Charbonneau and William Sproates

The following mitigating circumstances were established. The defendant does not have a criminal record. She is a good worker and has worked hard for a long time. The defendant loves her family and has been a friend to many people. Previously, she worked as a bus driver. At the time of the murders, she was employed by Big Lots, a major retail store. She is religious, helps other inmates in a positive way, and has good prison behavior. Some of the inmates look to her as a parent or grandmother. The defendant

assumed care-taking responsibilities for her grandchildren for many years. They refer to her as their mother. Her death would negatively affect her mother, friends, and family. They want to continue their relationship with her in the future and find value in her life.

Linda Charbonneau also offered proportionality of sentencing and treatment of co-defendants to mitigate the sentences. Mellisa Rucinski pled guilty to Murder in the Second Degree for the killing of John Charbonneau and Conspiracy in the First Degree for the killing of William Sproates. Rucinski faces a possible imprisonment term of twenty-five years for both crimes. Also, Willie Brown pled guilty to Murder in the First Degree for the killing of John Charbonneau and William Sproates. Brown was the one who killed them. In return for his pleas, the State recommended two consecutive life sentences without reduction. Both Brown and Rucinski were expected to cooperate by providing truthful information and testimony at defendant's trial.¹

However, only Rucinski testified. The State had serious reservations about Brown's candor and did not call him as a witness. The defense attempted to have Brown testify. However, Brown asserted his Fifth Amendment right not to testify outside the presence of the jury. From the Court's perspective, Brown's testimony would not have been helpful as he accused defendant of attacking John Charbonneau, and he claimed Rucinski participated in the death of William Sproates. On the other hand, any perjured testimony would have tainted the trial.

Nevertheless, the jury knew about Rucinski's and Brown's plea agreements as well

¹ This situation is not unusual in the criminal justice system. *See Kight v. State*, 784 So.2d 396 (Fla. Supr. 2001) (death sentence for first degree murder was not disparate where co-defendant pled to second degree murder in return for information).

as Brown's prior felony record. Rucinski was extensively questioned in the trial, and the jury recognized Brown's claim about her involvement. Brown's convictions included burglary, theft, trespassing, and motor vehicle offenses together with violations of probation. One of the three burglary charges found him armed with a deadly weapon. Brown has a temper, violent propensities, and disliked John Charbonneau and William Sproates.

By comparison, Linda Charbonneau intentionally planned the murders and used Brown as the killer. The object of the conspiracy charges was their deaths which was accomplished to her satisfaction. She intended the use of lethal force to steal John Charbonneau's property and to silence William Sproates for asking too many questions. Not only was defendant older than the co-defendants, but she also was the dominant force behind these crimes. She manipulated, controlled, and directed Brown's and Rucinski's conduct to suit her purpose.

As discussed, the defendant tried to enlist John Rucinski to murder John Charbonneau in 2000. When that attempt failed, Linda Charbonneau substituted Brown to kill John Charbonneau and later William Sproates. The defendant took advantage of his criminal background, relationship with Rucinski, and dislike of the victims. The defendant helped pay for his criminal obligations. Brown was eager to please.

As the leader, instigator, and mastermind, the defendant has more culpability than Brown and Rucinski. They were her agents. She has more, not less, responsibility for these murders. The plea agreements and involvement of the co-defendants in these crimes do not provide defendant with a safe harbor.

I also listened to defendant's allocution which provided background information. She accepted the verdict and expressed sorrow for the victims and their families. Yet, at the time of the murders, the defendant fabricated stories in an attempt to avoid detection.

IV. CONCLUSION

The jury found the existence of three statutory aggravating factors by their verdicts in the guilt and penalty phases. The same body recommended the death penalty. It determined that the aggravating circumstances outweighed the mitigating circumstances; in the John Charbonneau case by a vote of 10 - 2, and in the William Sproates case by a vote of 9 - 3. The law provides that while the jury's recommendation is not binding on the Court, it may be given appropriate weight. 11 *Del.C.* § 4209(d)(1). In light of the record, I give it great weight as the jury represents the community on matters of life or death. The evidence does not lead me to a different result but rather supports it.

In conclusion, instead of lawfully ending her relationship with John Charbonneau, Linda Charbonneau deliberately took a different path. The defendant chose death for John Charbonneau to steal his property, knowing that he wanted nothing more to do with her. The defendant chose death for William Sproates to protect herself by eliminating him as a witness about the John Charbonneau murder. She knew he was vulnerable to her designs. The killings were premeditated and showed substantial planning, thought, and purpose. Brown was her means, messenger, and muscle. At the end, the victims realized this and wanted to speak with defendant in a useless effort to save themselves. The proven mitigating circumstances pale by comparison with the nature of each crime. Defendant's bad character is shown in each murder. Defendant engineered these killings

which were egregious, cold-blooded, and horrible.

After balancing all the circumstances, I find that the existing aggravating circumstances outweigh the mitigating circumstances in each case.

Considering the foregoing, the sentence of Linda Charbonneau, the defendant, for the Murder in the First Degree of John Charbonneau shall be death by lethal injection.

The sentence of Linda Charbonneau, the defendant, for the Murder in the First Degree of William Sproates shall be death by lethal injection.

IT IS SO ORDERED.

Richard F. Stokes, Judge

Original to Prothonotary

cc: James W. Adkins, Esquire
Paula T. Ryan, Esquire
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