

# Hate Crime Trial Ends in Conviction

(compiled from reports in the *Burlington, VT Free Press*)

The first case to be tried under Vermont's new hate-crimes law resulted in a conviction. *The Burlington Free Press* reported that two Burlington brothers involved in an attack on a gay man in August 1990 were sentenced on June 10. One of the brothers, Dominic Ladue, 28, will appeal the constitutionality of the law to the Vermont Supreme Court. Ladue pleaded guilty to aggravated assault on a 25 year old man, whom he beat and attempted to rob on August 15, 1990. Ladue received a two to six-year sentence for the assault. If the Supreme Court upholds the hate-crime statute, he will get a consecutive sentence of one to four years, said Judge Alden T. Bryan. The statute allows expanded penalties for hate-motivated crimes.

Richard Ladue, 17, pleaded no contest to attempted assault and robbery and received a suspended two to five-year prison term. Bryan ordered the younger Ladue to complete 200 hours of community service, and counseling if necessary. Unlike his brother, Richard Ladue did not contest being charged under the hate-crime statute, so that portion of his sentence was not issued separately.

The case involves a crime which took place after a man left Pearls bar and was approached near Battery Park by two men who allegedly tried to steal his wallet. According to police reports, the men called him a faggot before beating him for five minutes. The victim suffered serious facial injuries and needed five stitches to close wounds near his eyes, police said.

Dominic Ladue is appealing the validity of the hate-crime law, which went into affect in May 1990, because he says it vi-

olates his free speech rights, the *Free Press* reported. Bryan rejected that argument in late April. It might take a year before the Vermont Supreme Court decides the issue.

This is the fourth time Dominic Ladue has been arrested and charged with a felony. The judge warned that if he is arrested again, he could be charged as a habitual offender, which carries a possible life sentence. "There won't be any more felonies," Ladue told the *Burlington Free Press*.

In other cases related to hate crimes: A Coventry man has been charged with aggravated assault. Vermont P. Roby, 40, is charged with attempting to cause serious bodily injury to Dang Thank, 20, by striking him in the face with a beer bottle on June 2, in Battery Park, police said. Witnesses claim the attack was motivated by the fact that the victim is Vietnamese. According to a court affidavit completed by Officer Kathleen P. Stubbins, witnesses said that Roby claimed that he had killed some Vietnamese during the Vietnam War and it would not bother him to kill some more. Roby weighs 260 pounds; the victim weighs 130 pounds. Also charged was Brian Douglas, 38, of Clark Street, who is also known as Brian Duckworth. The two defendants allegedly picked up beer bottles by the neck and walked over to the victim, police said. Roby allegedly struck the victim in the face with a bottle and broke it to use the jagged edges to threaten him, Stubbins said. Five stitches were required to close a wound over the victim's right eye.

Christopher Root, 25, of Winooski, has been charged in an alleged gay-bashing incident in April. Root allegedly struck

**What the Hate Crimes law says:**  
"A person who commits, causes to be committed or attempts to commit any crime and whose conduct is maliciously motivated by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, handicap (as defined by state law) or sexual orientation, shall be subject to the following penalties:

- If the maximum sentence of the underlying crime is one year or less, the penalty shall be imprisonment of not more than two years, or a fine of \$2000, or both.
- If the maximum sentence of the underlying crime is more than one year but less than five years, a prison term of up to five years may be imposed or a fine of \$10,000, or both.
- If the maximum sentence for the underlying crime is five years or more, the regular penalty will apply, but the judge may consider the motivation of the defendant as a factor in sentencing."

a gay man in the head with a stick on April 6 on Bank Street in Burlington. In June the defendant was charged with violation of the conditions of his release. Root pleaded innocent to two counts of violating conditions and one count of simple assault on the woman who had been the victim of one of his alleged crimes. He violated conditions by contacting the woman and by drinking, according to Winooski police. ▼



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