

**From:** [Butler, Rebecca](#)  
**To:** [REDACTED]  
**Subject:** Corrected PRR  
**Date:** Friday, October 4, 2024 3:59:02 PM  
**Attachments:** [Info-Affidavit Michael Pfenning\\_Redacted.pdf](#)  
[Corrected PRR.pdf](#)

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Hi Kylie,

Please disregard the previous message I sent regarding your PRR from the AGO. I accidentally attached some documents that don't apply to your request. Those messages have been recalled.

Rebecca Butler  
Paralegal  
Office of the Attorney General – Criminal Division  
802-828-5512  
[rebecca.butler@vermont.gov](mailto:rebecca.butler@vermont.gov)



STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

October 4, 2024

VIA EMAIL

Kylie Low  
Creator, Dark Downeast  
Maine, USA



Dear Ms. Low:

I am writing in connection with your public records act request dated September 17, 2024, requesting information about case file documents pertaining to State v Michael Pfenning. We have pulled 16 files boxes from our public records archives in Middlesex. I was able to pull the information and affidavit as requested in your email from September 20, 2024 and have attached it.

Please note that portions of the records, as well as other responsive records in our possession, are presently exempt from disclosure under the following statutory exceptions:

1 V.S.A. § 317(c)(3) - Records which, if made public pursuant to the PRA, would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State. Please see Rules 1.1 (Competence), 1.6 (Confidentiality of Information), and 3.8 (Special Responsibilities of a Prosecutor) of the Vermont Rules of Professional Conduct.

1 V.S.A. § 317(c)(5)(A)(iii) - Records dealing with the detection and investigation of crime that could reasonably be expected to constitute an unwarranted invasion of personal privacy.

1 V.S.A. § 317(c)(5)(D) - Records dealing with the detection and investigation of crime that could reveal information that could be used to facilitate the commission of a crime or the identity of a private individual who is a witness to or victim of a crime.

The portion of potentially responsive records that are documentary records, please be advised that because the materials covered by your request contain records that require review and redaction, we will require payment to cover the cost associated with this time, which will be calculated as follows:

1. Attorney review of records @ .57/minute
2. Attorney review for redaction of records @.57/minute
3. Staff time for redaction of records@.33/minute

Pursuant to 1 V.S.A. 316(c), the first 30 minutes of staff time are exempt from billing. Please let us know if you wish to have us pursue your request for additional records and we will process the amount of time needed to fulfill your request with an invoice payable prior to completion of the request.

Sincerely,

s/s Franklin Paulino  
Assistant Attorney General

District Court Form No. 349 Jocket & Disposition Rpt.		<b>STATE OF VERMONT</b> V.			<b>DISTRICT COURT OF VERMONT</b>			Docket No. <b>57-4-96GICR</b>	
Defendant Last Name <b>PFENNING, MICHAEL</b>		First <b>AUSTIN</b>	M.I.	Unit No. <b>II</b>	Circuit <b>GRAND ISLE</b>		Incident Offense No. <b>95A201530</b>		
Address <b>RD#2, BOX 151, VT RTE 78</b>				Scheduled Date of Appearance			DMV Use		
City, State, Zip Code <b>ALBURG, VT 05440</b>		Date of Birth <b>1/7/50</b>	Age <b>46</b>	Place of Birth <b>PROCTOR, VT</b>					
Date of Offense <b>3/2/76</b>	Date of Arrest/Citation	Department <b>VSP/RC</b>	Operator's License No.			State	<input type="checkbox"/> Accident	<input type="checkbox"/> Injury	
Name of Offense <b>MURDER - 2ND DEGREE</b>	Count <b>1</b>	of <b>1</b>	Title <b>13</b>	Section <b>2301/2303</b>	V.S.A.	Felony <b>X</b>	Misd.	Muni.	Code (VCIC)
							<input type="checkbox"/> Property Damage		Ord.

**INFORMATION BY STATE'S ATTORNEY**

State of Vermont GRAND ISLE County, SS.

BY THE AUTHORITY OF THE STATE OF VERMONT, LINDA PETRY EFFEL, ESQ.,

State's Attorney for said County, upon oath of office, charges:

That **MICHAEL AUSTIN PFENNING** of **ALBURG, VERMONT,**  
 at **ALBURG** in this County and Territorial Unit  
 on **MARCH 2, 1976,**

WAS A PERSON WHO, WITH AN INTENTION TO KILL, OR WITH AN INTENTION TO DO GREAT BODILY HARM, OR WITH A WANTON DISREGARD OF THE LIKELIHOOD THAT HIS BEHAVIOR MAY NATURALLY CAUSE DEATH OR GREAT BODILY HARM, KILLED A PERSON, TO WIT, LYDA JAMESON, BY STRANGLING HER, IN VIOLATION OF TITLE 13, VERMONT STATUTES ANNOTATED, SECTIONS 2301 AND 2303.

PENALTY: SHALL BE PUNISHED BY IMPRISONMENT FOR LIFE OR FOR SUCH TERM AS THE COURT SHALL ORDER.

and against the peace and dignity of the State.

Dated: **4/15/96**

*Linda Petry Effel*  
 \_\_\_\_\_  
 State's Attorney

This information has been presented to me and I have found probable cause, this **15<sup>th</sup>** day of **April, 1996**

*Alden J. Bryson*  
 \_\_\_\_\_  
 District Judge

AFFIDAVIT

STATE OF VERMONT  
Grand Isle, County S.S.

NOW COMES Sgt. Ralph Chilton, affiant(s), being duly  
(Officer)  
sworn and on oath, deposes and says he has probable cause to believe that  
Michael Pfenning (dob: 01-07-50) has committed the offense(s) of  
(Defendant)  
Murder, 2nd degree, a violation of  
Title 13, Vermont Statutes Annotated 2301

I, Ralph Chilton, have been a Vermont State Trooper since August of 1985. I have been assigned to the Criminal Division of the Vermont State Police, St.Albans Station since December of 1991. Prior to that, I was assigned to the Uniformed Division of the State Police at the St.Albans Station.

The information contained in this affidavit is known by me personally, or was learned as a result of review of the investigative files in this matter.

On March 1, 1976, [redacted] (dob: [redacted]) was a seventy-three year old female resident of the Village of Alburg, Vermont. Her residence was located on the [redacted] side of [redacted] (also known as Main Street) next to and south of the [redacted]. [redacted] lived in his residence alone.

On March 2, 1976 [redacted]'s body was discovered by her son, [redacted], when he went to her home to deliver some groceries he had purchased for her. He discovered her body at approximately 1300 hours. She was lying on her bed in a second floor bedroom. Initial investigation of the scene indicated that she was almost completely naked, with her pullover jersey shirt almost entirely ripped off and all of her pajama bottoms ripped off with the exception of two leg parts from the knees down. She had bruising about the face and mouth, with apparent traces of blood on her pillow case. She also had severe bruises about the neck and upper shoulder areas.

The Chief Vermont Medical Examiner, Dr. Lawrence Harris, and his associate Dr. Taylor, arrived at the scene at about 1630 hours. Dr. Harris estimated that the death may have occurred any time from 0500 hours to 0700-0800 hours on March 2, 1976.

An autopsy conducted on [redacted] on March 3, 1976, disclosed that the cause of death was [redacted] by manual strangulation. During the course of the autopsy, a number of human hairs not matching the victim were collected from [redacted]'s body.

Subscribed and sworn to before me on  
this 15 day of April, 1976  
John Lawrence  
(Notary Public) (Judicial Official)

Ralph Chilton  
(Affiant)  
April 15, 1976  
(Date)

The last time anyone spoke to the victim was at approximately 1700 hours March 1, 1976, when a neighbor delivered a newspaper to the victim at her residence. Another neighbor noticed lights on at the victim's residence between 2200 and 2230 hours, but by 0100 hours there were no lights on.

Police investigation revealed that the defendant, Michael Pfenning, attended a party at the home of Lester Aylward, located south of the [redacted] residence in Alburg, on the night of March 1-2, 1976. Pfenning told investigators that he left the party at about 0300 hours on March 2, and walked home to his residence also located south of the [redacted] residence in Alburg, arriving at about 0330 hours.

Pfenning's account of his whereabouts was contradicted by Ricky Pearo, a resident of Pfenning's house. Pearo told investigators that Pfenning arrived home at 0530 hours, and went straight to bed.

In March, 1976, Pfenning voluntarily provided samples of his head hair to investigators, which was compared to the hairs found at the crime scene. The comparison indicated that Pfenning's hair had the same microscopic characteristics as the hair collected from [redacted] body. The hair collected from [redacted] body, therefore, came from Pfenning or from a source displaying the same microscopic characteristics. Hair samples taken from twenty-four other individuals, present at the Aylward party or otherwise near the scene of the crime, indicated that none of those individuals' hair displayed microscopically similar characteristics.

In March, 1994, several samples of hair found at the crime scene were sent to Cellmark Laboratories. Cellmark advised that it had succeeded in extracting DNA material from those hair samples suitable for comparison with DNA taken from a suspect. On December 12, 1994, Pfenning voluntarily provided this officer with a sample of his skin tissue, taken by swabbing the inner cheek of his mouth with a Q-tip. This material was also sent to Cellmark, which developed a genetic profile from the sample. This profile was then compared to the DNA material extracted from the hairs found at the crime scene, and the two were found to match. Cellmark reported that the frequency of the DNA profiles found in both the crime scene hairs and in the DNA taken from Pfenning are 1 in 3.5 million in the Caucasian population data base, and 1 in 79 million in the African American data base.

Manual strangulation may take four minutes or more to result in death. A person strangling another, therefore, would have sufficient time to form the intent to kill, and to realize that his actions would result in the death of the other person.

Based on the foregoing, I have probable cause to believe that Michael Pfenning committed second-degree murder, in violation of 13 V.S.A. 2301 and 2303.

Subscribed and sworn to before me on

this 16 day of April, 1976

[Signature]  
(Notary Public) (Judicial Official)

[Signature]  
(Affiant)  
April 16, 1976  
(Date)