Criminal Division
Vermont Attorney General's Office

Vermont Criminal Law Month

December 2013 – January 2014

Vermont Supreme Court Slip Opinions: Full Court Rulings

Includes three justice bail appeals

DATAMASTER ERROR MESSAGE DID NOT MAKE BREATH TEST RESULT INADMISSIBLE

State v. Burnett, 2013 VT 113. ERROR MESSAGE ON DATAMASTER DID NOT REQUIRE SUPPRESSION OF SUBSEQUENT BREATH TEST RESULT, BUT DID REBUT PRESUMPTION OF RELIABILITY IN CIVIL CASE.

Civil suspension reversed and remanded; denial of motion to suppress in criminal proceeding affirmed. The police officer attempted to obtain a breath analysis from a DataMaster machine, and obtained an error message of "standard out of range." He restarted the machine and obtained a reading. When the defendant requested a second test result, the same thing happened. The officer's training and the training manual instructed that when this message is received, a different machine should be used. 1) The trial court did not err in declining to suppress the test result in the criminal proceeding. A test result is admissible if the State shows that the analysis was performed by an instrument that meets the performance standards contained in the rules of the Department of Health, and the instrument met those performance standards while employed to analyze the sample. The State produced a chemist's affidavit that indicated that the reporting of an alcohol concentration of a person's breath by the DataMaster is evidence that the instrument had successfully met all internal and external quality control reviews and had been operating properly at the time the breath sample was analyzed. In other words, the fact that the officer was able to obtain a test result indicates that the machine was operating properly at the time of the test. The fact that the officer's training required him to use a different machine after receiving the error message implicates the reliability of the test, but not its admissibility. The Department's rules do not incorporate the manual, and therefore an officer's failure to follow procedures outlined in the training manual does not affect whether the State has satisfied the foundation requirements for admissibility. (The Court notes that the new rules, adopted by the Department of Public Safety, which has taken over the rule-making authority over breath-testing devices, does incorporate the manual, but does not make a judgment as to the significance of this change). Nor is the discrepancy between the two test results sufficient to undermine the foundation facts necessary for admissibility. There is no requirement in the Department of Health rules that the two tests be within a certain percentage of one another. 2) In the civil

suspension, the affidavit from the state chemist satisfied the burden of production on the State, and therefore the State had the benefit of the presumption regarding the validity and reliability of the test results. To rebut the presumption, the defendant was required to produce evidence fairly and reasonably tending to show that the real fact is not as presumed. The defendant's expert testified that she had concerns about the reliability of the samples obtained in the defendant's case based on the officer's failure to follow procedure, the history of the machine's errors, and the discrepancy between the results. Her opinion was that tests taken after the error message could be compromised. Given that the defendant's expert provided opinions specific to the instrument used to obtain the defendant's test results and about the particular circumstances surrounding collection of the defendant's tests, we conclude that there was sufficient evidence to rebut the presumption. Once the defendant rebutted the presumption, the State retained the burden of persuasion to demonstrate that the tests were indeed reliable. To support its case, the State relied on the expert's affidavit and the arresting officer's testimony that, based on his experience, the error message at times results from alcohol being emitted from the defendant's person in an enclosed space. The trial court did not weigh the defendant's evidence against the State's or make a decision regarding reliability because the court determined that the defendant had failed to rebut the statutory presumption. On the evidence, the trial court could determine that the test results are either reliable or unreliable. Therefore, the Court reversed and remanded the judgment for the fact finding to resolve the conflict in the evidence. 3) The defendant argues that he was denied a second test because the second test here was not reliable. The question of the reliability of the second test is factual one for the trial court to assess. Skoglund, with Robinson, dissenting. The State failed to demonstrate that the DataMaster used on the defendant's breath sample was working according to the standards set by the Department of Health at the time of the test.

http://info.libraries.vermont.gov/supct/current/op2012-255.html

STATE FAILED TO JUSTIFY ITS USE OF AVERAGE ELIMINATION RATE WHEN CALCULATING BAC

State v. Nugent, 2014 VT 4. CIVIL LICENSE SUSPENSION: FAILURE OF PROOF ON ELIMINATION RATE.

Full court written opinion. Merits decision for defendant on civil driver's license suspension affirmed. The defendant's BAC level was found to be 0.137 percent, about four hours after his operation of a vehicle. The State presented relation-back evidence in the form of testimony by an expert that based on her calculations, the defendant's BAC at the time of operation was 0.172. The defense objected to this testimony as not meeting the requirements of V.R.E. 702, and cross-examined her on her assumptions in making the calculation, in particular the assumption that the alcohol elimination rate was 0.015 percent per hour, on the grounds that elimination rates vary between individuals and the expert could only speculate as to the defendant's elimination rate. The court found that the expert's testimony was admissible, but declined to adopt her calculation because it had no evidence of how much variation there is in the elimination rate between individuals, and whether it was possible as a result of the variation that the defendant's BAC at the time of operation was under 0.08 per cent. The trial court's determination of reliability is a question of fact, which is reviewed for clear error. Although the expert's assumption as to the defendant's

elimination rate may have been reasonable as applied to the defendant, she offered no credible reason as to why, nor did she testify as to the likelihood that his BAC was below 0.08 per cent while driving. Given these gaps in the expert's logic, the trial court's reliability finding was not error, much less clear error. Doc. 2013-078, January 10, 2014. http://info.libraries.vermont.gov/supct/current/op2013-078.html.

ONE PRIOR DUI CAN BOTH ENHANCE OFFENSE AND MAKE REFUSAL A CRIMINAL CHARGE

State v. Wainwright, 2013 VT 120. CRIMINAL REFUSAL: SAME PRIOR CAN ENHANCE OFFENSE AND SERVE AS BASIS OF CRIMINAL CHARGE FOR REFUSAL.

Denial of probable cause for second-offense allegation in DUI proceeding reversed. The same prior DUI conviction may be used both as an element of criminal refusal to submit to an evidentiary blood-alcohol test, and to enhance the penalty for that offense as a previous conviction. Under the statutory scheme, a person, who has previously violated Sec. 1201(a) and refuses an officer's reasonable request to submit to an evidentiary test, commits a crime. The penalty for that violation increases if a person has a prior violation of Section 1201. The penalty enhancement is not dependent on which subsection of 1201 is violated, but simply references a violation of section 1201. By referring generally to section 1201 and not excluding 1201(b) pertaining specifically to criminal refusal, the statute's language plainly indicates an intent to apply the increased punishments to successive violations of 1201 regardless of how the section was violated – either through a blood-alcohol level above the legal limit, a criminal refusal, or through some other manner. All prior violations act as enhancements of the current violation even if one prior violation was also used as an element of the refusal. Skoglund, dissenting: If every violation of 1201(b) were, in effect, a second offense, it would eviscerate the penalty expressly prescribed by the Legislature for first violations of section 1201, including 1201(b). Docs. 2012-213 and 2013-010, December 20, 2013. http://info.libraries.vermont.gov/supct/current/op2012-213.html

COURT COULD DISREGARD FAILURE TO MEET COURT-IMPOSED DEADLINE TO SEEK RESTITUTION

*State v. Gorton, 2014 VT 1, full court opinion. RESTITUTION: DEADLINE FOR MOTION; PERIOD OF TIME ORDER MAY COVER; NEED FOR ABILITY-TO-PAY FINDINGS; NEED FOR FINDINGS RE INSURANCE COVERAGE.

Restitution order reversed and remanded. 1) There was no abuse of discretion when the trial court disregarded a timeline which it had itself imposed on the prosecution for filing a motion for restitution, since the statute itself imposes no hard deadline for when a restitution request must be made. The only deadline is that the State has up to a year to request restitution from the Restitution Fund if not requested at sentencing, and here restitution was requested at sentencing, although evidence on the amount due was not taken at that time. 2) The defendant was charged with embezzling cigarettes over the course of eighteen months, but at the change of plea hearing the judge misstated that the charge read that the offense occurred only on one

day. The defendant therefore argued that he was only required to pay restitution for cigarettes taken on that one day. Even accepting the defendant's strained assertion that he pleaded guilty to only one day's worth of embezzlement, the restitution statute expressly states that an order of restitution may require the offender to pay restitution for an offense for which the offender was not convicted if the offender knowingly and voluntarily executes a plea agreement which provides that the offender pay restitution for that offense. Here, the defendant entered into a plea agreement that indicated that he agreed to restitution for all charges, including those dismissed. The fact that the trial court misspoke did not limit the restitution to the one-day charge description at the change of plea hearing. The State does concede that it was error for the court to award restitution for eighteen months, and the matter is therefore remanded for a new evidentiary hearing to determine the store's material loss during the six month timeframe contained in the charge. 3) The Court notes, for purposes of the remand, that the trial court had failed to make findings on the defendant's ability to pay prior to issuing the restitution order, which is a requirement of the restitution statute. 4) On remand, appropriate findings should be made as to the uninsured status of the victim's losses. Doc. 2012-147, January 17, 2014. http://info.libraries.vermont.gov/supct/current/op2012-147.html

LWOP FOR ATTEMPTED MURDER IS NOT DISPROPORTIONATE

*In re Stevens, 2014 VT 6, full court order. DISPROPORTIONALITY: LIFE WITHOUT PAROLE FOR ATTEMPTED MURDER WAS NOT DISPROPORTIONATE TO GRAVITY OF OFFENSE.

Summary judgment for the state in petition for post-conviction relief affirmed. The petitioner argued that his sentence of life without parole for attempted murder violated the Eight Amendment. The threshold test for such violations is whether the gravity of the offense and the harshness of the penalty leads to an inference of gross disproportionality. Given that the defendant had a well-developed plan to kill the victim in a particularly cruel and painful manner, and that he had previously shot at his family members who escaped death only through sheer luck, the sentence of life without parole was undoubtedly harsh, but not clearly out of all just proportion to the offense. The fact the victims ultimately experienced little physical harm is a factor, but is less compelling where the perpetrator intends to cause grave harm but fails solely due to external factors beyond his or her control, which was the case here. Thus, the petitioner does not meet the threshold inquiry comparing the gravity of the offense and the harshness of the penalty, and the Court does not reach the other factors, the intra and inter-jurisdictional analyses. Doc. 2013-116, January 17, 2014. http://info.libraries.vermont.gov/supct/current/op2013-116.html

EVIDENCE SEIZED AT BORDER CHECKPOINT 97 MILES FROM BORDER WAS ADMISSIBLE

*State v. Rennis, 2014 VT 8, full court opinion. BORDER AND FUNCTIONAL EQUIVALENT OF BORDER SEARCHES: ARTICLE 11 NOT APPLICABLE.

Denial of motion to suppress affirmed. Federal customs and border patrol seized two pounds of marijuana from the defendant's car at a checkpoint on

Interstate 91, approximately 97 miles south of the Canadian border. When federal Immigration and Customs Enforcement declined to prosecute, the federal agents sent the drugs to the State, which initiated this case. On appeal from the denial of the motion to suppress, the defendant argues that the seizure violated Article 11 of the Vermont Constitution, but concedes the legality of the search under the Fourth Amendment. This case is squarely controlled by State v. Coburn, 165 Vt. 318 (1996), which held that the Vermont Constitution does not apply to the conduct of federal government officials acting under the exclusive federal authority to safeguard the borders of the United States. The functional equivalent of the U.S. border generally includes immigration checkpoints, such as those within the parameters listed in United States v. Martinez-Fuerte, 428 U.S. 543 (1976). Since the constitutionality of this checkpoint under the Fourth Amendment is not before the Court, it assumes without deciding that the checkpoint meets these criteria for the functional equivalent of the U.S. border. The only involvement of the Vermont State Police was to receive the evidence uncovered in the federal search, and use the evidence in the state prosecution. The defendant fails to articulate how his already vitiated possessory interest was revived upon transfer from federal agents to the Vermont police. The Court declines to adopt the reasoning of a New Mexico case permitting the suppression of evidence seized lawfully by federal officers but in a manner that violated the state's constitution, because, if Article 11 does not apply, it also does not provide the remedy of the exclusionary rule. The opinion does not reach the question of the legality of the roadblock had it been conducted by state police officers. Doc. 2012-481, January 17, 2014.
http://info.libraries.vermont.gov/supct/current/op2012-481.html

GOOD TIME STATUTE NOT GIVEN RETROACTIVE EFFECT

State v. Aubuchon, 2014 VT 12. Full court opinion. COMPUTATION OF SENTENCE: PROCEDURE FOR CHALLENGE. WAIVER: FAILURE TO ARGUE APPLICABILITY OF STATUTE NOT YET ENACTED. RETROACTIVE APPLICATION OF STATUTE INTENDED TO CLARIFY PRIOR LAW. CREDIT FOR TIME SERVED TOWARDS NEW OFFENSE FOR TIME SPENT IN CUSTODY ON FURLOUGH FOR PRIOR OFFENSE.

Denial of request for additional credit towards aggregated minimum sentence affirmed. 1) The defendant followed the proper procedural avenue for challenging the computation of his credit for time served, by grieving the initial calculation of credit with the Department of Corrections, and, when that grievance was denied, filing a Rule 35 motion with the superior court, then appealing to the Supreme Court from the superior court's ruling on that motion. He was not required to file a motion under Rule 75 of the civil rules of procedure. 2) The defendant did not waive his argument that the newly enacted legislation regarding credit for time served governs this case for failure to raise below, because that legislation was not enacted into law and made effective until after the filing of the appeal. 3) The amended version of 13 V.S.A. sec. 7031(b) does not apply in this case because it was amended after the defendant was sentenced on all pending charges, and neither defines an offense nor prescribes a punishment. Nor was the amendment to the statute intended as a clarification of existing law. 4) In any event, the Court rejects the language in State v. Kenvin suggesting that a legislative enactment intended to "correct" an opinion of this Court should be applied retrospectively as a clarification of what the

law had always been. 5) Under the law as it was in effect at the time of the defendant's sentencing, he was entitled to credit for time served for any days spent in custody in connection with the offense for which sentence was imposed. Thus, when a defendant is incarcerated based on conduct that leads to revocation of probation or parole and to conviction on new charges, the time spent in jail before the second sentence is imposed should be credited towards only the first sentence if the second sentence is imposed consecutively, but towards both sentences if the second sentence is imposed concurrently. Here, the defendant's second set of sentences was imposed consecutively to his initial sentence, which he was still serving on furlough when he was charged with the new offenses. 6) The defendant argues that he is entitled for credit against the second set of charges for the time he spent in jail following his arrest on those charges because his furlough on the initial conviction was not revoked, and thus he was held solely for lack of bail on those charges. But, unlike with probation or parole revocation proceedings, here, irrespective of when, or if, his furlough was revoked based on new charges, the fact remains that the defendant was still serving his sentence, albeit in the community, when he was arrested and incarcerated on the new charges. Given that the defendant's convictions on the second set of charges were imposed consecutively to his initial sentence, he was not entitled to double credit for the time he was incarcerated following his arrest on the second set of charges, notwithstanding that his furlough status on the initial conviction was not revoked. Doc. 2013-140, January 24, 2014.
http://info.libraries.vermont.gov/supct/current/op2013-140.html

Vermont Supreme Court Slip Opinions: 3 Justice Panel Rulings

Note: The precedential value of decisions of three-justice panels of the Vermont Supreme Court is governed by V.R.A.P. 33.1(c), which states that such decisions "may be cited as persuasive authority but shall not be considered as controlling precedent." Such decisions are controlling "with respect to issues of claim preclusion, issue preclusion, law of the case, and similar issues involving the parties or facts of the case in which the decision was issued."

IMPLICIT PROBATION CONDITION NOT TO TAMPER WITH ELECTRONIC MONITORING DEVICE WAS CLEAR.

State v. Powers, three-justice entry order. VIOLATION OF PROBATION: NOTICE OF CONDITION; CHALLENGE TO CONDITION AS IMPERMISSIBLE DELEGATION OF POWER; DISCRETION IN REVOKING PROBATION.

Violation of probation and probation revocation affirmed. 1) The defendant had ample notice of the condition of probation requiring electronic monitoring, and that removing the equipment from his ankle could result in a violation. Although he was not specifically told that tampering with and removing the unit would result in a violation, this condition was so clearly implied that the defendant had notice of it. 2) The defendant's claim that the condition

amounted to an impermissible delegation of power to his probation officer is a facial challenge to the condition, which should have been raised on direct appeal from the sentencing order, and the defendant has waived his right to collaterally attack the condition now that he has violated it. Given that the conditions were imposed as part of a plea agreement, the defendant's chance of success in challenging those conditions in a direct appeal may have been small, but should nonetheless have been raised at that time. 3) The court did not abuse its discretion in revoking probation, because the finding that the defendant was in need of treatment in a correctional facility was supported by evidence that the defendant was an untreated sex offender. The attempt to treat him in the community failed; it makes no difference that the failure was caused by probation violations rather than behavior during counseling sessions. Revocation was also supported by the fact that the defendant removed his electronic monitoring bracelet, and incarceration was thus necessary to protect the public. Doc. Nos. 2013-221 and 222. January Term, 2014.
https://www.vermontjudiciary.org/UPEO2011Present/eo13-221.pdf

BRADY VIOLATION WAS NOT PREJUDICIAL

*State v. DeGreenia, three justice entry order. BRADY VIOLATION: LACK OF PREJUDICE. LOST EVIDENCE: LACK OF PREJUDICE. NEWLY DISCOVERED EVIDENCE: RELEVANT ONLY TO IMPEACH.

Burglary and grand larceny affirmed. 1) The State violated the Brady rule in failing to disclose until shortly before trial the defendant's statement and Miranda waiver, but the defendant failed to show any prejudice from this error, because the evidence was the defendant's own statement, the substance of which came into evidence at trial. It was exculpatory only in the general sense that the defendant denied involvement in the crime, and the jury was already aware that he denied involvement. Although the statement contained a list of alleged alibi witnesses, there was no showing or argument that the defendant could not recreate his list of alibi witnesses. 2) Although the State was negligent in losing photographs taken at the crime scene showing tire and shoe prints, the lost evidence was of minimal importance. The absence of a match would not have proven that the defendant was not at the scene. 3) The defendant's claim that the State failed to preserve evidence when it failed to take photographs of his shoe prints when he was arrested was not raised below, and is not considered on appeal because the defendant does not make any plain error argument. 4) The State's loss of images from a surveillance camera, none of which could be described as visibly depicting or conclusively identifying any specific person, was also of little utility in establishing reasonable doubt because the State could easily explain away the defendant's absence from the photos. 5) The trial court did not err in denying without a hearing the defendant's motion for a new trial based upon newly discovered evidence. The allegedly newly discovered evidence related only to a police officer's credibility, and tangentially at that. Because the evidence was at most merely impeaching, the motion was properly denied. Doc. 2013-023, December 18, 2013.

https://www.vermontjudiciary.org/UPEO2011Present/eo13-023.pdf

INEFFECTIVE ASSISTANCE CLAIM FAILED WITHOUT EXPERT TESTIMONY

*In re Hall, three justice entry order. POST CONVICTION RELIEF: NEED FOR EXPERT; SUFFICIENCY OF EVIDENCE OF INEFFECTIVENESS.

Grant of summary judgment to State in post-conviction relief proceedings affirmed. 1) The petitioner claims that the Superior Court failed to adequately inform him of the need for an expert witness to avoid summary judgment. However, his pleadings before that court demonstrate that he had a clear understanding of the Supreme Court's precedent regarding the need for expert testimony, yet chose to proceed without such testimony. 2) The petitioner was not able to demonstrate ineffective assistance of counsel without the benefit of expert testimony. The allegations that petitioner makes about the conduct of his attorneys all involve questions of strategy requiring expert testimony to disprove the presumption of attorney competence and to show prejudice. Doc. 2013-062, December Term 2013. https://www.vermontjudiciary.org/UPEO2011Present/eo13-062.pdf

PERSONS UNDER THE AGE OF CONSENT CAN COMMIT SEXUAL ASSAULTS FOR PURPOSES OF DELINQUENCY FINDING

In re E.B., three-justice entry order. SEXUAL ASSAULT: PERPETRATORS UNDER THE AGE OF 15. SUFFICIENCY OF THE EVIDENCE. STANDARD OF PROOF.

Finding of delinquency affirmed. 1) The fact that the juvenile was under the age of 15 at the time she committed an act which, were she an adult, would have constituted sexual assault, does not mean that she could not commit such a crime because she was below the age of consent. The statutory schemes contemplate that children between the ages of ten and fourteen may be convicted of a crime. 2) The evidence was sufficient to support the court's finding of lack of consent. 3) The fact that the court noted that the evidence on consent could have been stronger does not mean that it did not use the beyond-a-reasonable-doubt standard. Doc. 2013-255, December Term 2013. https://www.vermontjudiciary.org/UPEO2011Present/eo13-255.pdf

EXTRINSIC EVIDENCE AS TO CREDIBILITY PROPERLY EXCLUDED

State v. Parizo, three-justice entry order. EXTRINSIC EVIDENCE TO ATTACK CREDIBILITY OF WITNESS.

Lewd and lascivious conduct with a child affirmed. On cross-examination, the child denied having a boyfriend, or having ever said that she had a boyfriend. Testimony of the child's grandmother, proffered by the defendant, that she had claimed to have a boyfriend, was excluded as collateral. The trial court acted well within its discretion in so ruling. The defense was not permitted to use extrinsic evidence to attack the victim's credibility. Nor was the evidence admissible to show that the child had a motive to lie. The defense argued that the proffered testimony would show that the child had made up a story about a boyfriend, and

therefore she might be similarly making up her claim against the defendant. This is simply another attempt to challenge her character for truthfulness through the use of extrinsic evidence. Doc. 2013-126, December Term 2013. https://www.vermontjudiciary.org/UPEO2011Present/eo13-126.pdf

JUDGE NOT DISQUALIFIED BECAUSE OF RESIDENCE IN VICINITY OF CRIME SCENE

*State v. Edson, three-justice entry order. RECUSAL OF JUDGE: PRIOR REPRESENTATION OF DEFENDANT; RESIDENCE NEAR CRIME SCENE.

Sentence on burglary and operating a motor vehicle without the owner's consent affirmed. 1) The trial judge was not disqualified from deciding the case where he had represented the defendant at an arraignment eighteen years earlier, and had no memory of having done so. Nor was the trial judge disqualified because he lived about a mile by car from the residence where the burglary had occurred. 2) The court did not abuse its discretion in denying a second motion to continue the sentence to permit an expert to testify. Moreover, the trial court reviewed the expert's report in connection with the motion for reconsideration, and the court remained persuaded that the sentence imposed was appropriate. Doc. 2013-112, January 23, 2014.

EVIDENCE OF INTENT TO COMMIT SEXUAL ASSAULT WAS SUFFICIENT FOR ATTEMPT CONVICTION

*In re Faham, three-justice entry order. POST CONVICTION RELIEF: SHOWING OF PREJUDICE. ATTEMPT CRIME: SUFFICIENCY OF EVIDENCE.

Summary judgment for the state in post-conviction relief proceeding affirmed. The petitioner failed to show prejudice from the claim of ineffective assistance, trial counsel's failure to renew a motion for judgment of acquittal, because there is no reasonable probability that such a motion would have been granted. The petitioner argued that the evidence of an attempted sexual assault was insufficient because there was no sexual touching or undressing of the victim. However, there was evidence that the defendant drove the complainant to a secluded area without explanation, got out of the car, purposefully reentered the car and climbed on top of the complainant and choked her and threatened to kill her if she did not have sex with him. The evidence thus demonstrated that the petitioner moved beyond intent towards actually accomplishing the sexual assault. Doc. 2013-133, January 23, 2014.

Vermont Supreme Court Slip Opinions: Single Justice Rulings

DEFENDANT'S HISTORY OF VIOLENCE AND INABILITY TO CONTROL HIS RAGE SUPPORTED DENIAL OF BAIL

State v. Constantino, single justice de novo review of denial of bail. DENIAL OF BAIL: NO CONDITIONS WILL SAFEGUARD VICTIM.

1) The testimony of two of the defendant's witnesses would not be considered because he did not comply with the formal notice requirements of Appellate Rule 9(b)(1)(F), which requires that he present the reviewing justice with a memorandum describing any proposed additional evidence at least 24 hours before the hearing. 2) The sole issue on appeal was whether any set of conditions of release would reasonably prevent the defendant's threat of physical violence to any person. The degree of violence involved in the charged offense, coupled with the seeming disconnection between the ferocity of the defendant's rage and any prior act on the part of the victim raises significant questions as to his capability to control similar urges if released, notwithstanding any judicial order precluding contact. The defendant has a well-established history of violent or potentially dangerous law-breaking, rendering suspect his respect for legal authority. As a practical matter, none of those willing to assume responsibility for the defendant's supervision can continuously monitor his behavior. His ill-advised efforts to discuss matters with the victim while delaying surrender on the arrest warrant are additional signs of his impulse to control her. The court cannot conclude that any conditions will safeguard the victim against the mindset exemplified by the circumstances described in the findings. Therefore, the defendant shall continue to be held without bail. Doc. 2013-447, November Term, 2013.

https://www.vermontjudiciary.org/UPEO2011Present/eo13-447.bail.pdf

Cases marked with an asterisk were handled by the AGO.

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