Grand Isle County
State's Attorney's Office

Press Release For Immediate Release

To: Vermont State Police Grand Isle County Sheriff's Dept. and Vermont Dept. of Fish & Wildlife

From: Douglas E. DiSabito, Esq., State's Attorney, Grand Isle County

Date: September 16, 2020

Re: Bail

In light of the Chittenden County State's Attorney's recent memo advising that her office will no longer ask for bail as a condition of release in any case, I am writing to advise that my office will continue to ask for bail when warranted.

Back in 2018, the Vermont Legislature made significant changes to our bail laws. One of the new aspects of that law requires judges to determine a defendant's financial means before imposing bail. Furthermore, the law now "caps" bail at $200.00 for numerous misdemeanor crimes, which make up a significant percentage of cases here in Grand Isle County. Bail is uncommon for misdemeanor offenses, and the 2018 law now ensures that bail is only used when needed and in amounts that are appropriate to the risk-of-flight and to the defendant's financial means.

I will continue to request bail in cases where the defendant has a significant record of non-appearances and/or risk-of-flight-from-prosecution past behavior. When I make a request for bail, it is based on the record that the defendant has created for themselves—more often than not, a significant record. When an individual is cited into court or is ordered into court via a hearing notice, this is not an invitation for tea—it is for a criminal court hearing and their attendance is not optional. As State's Attorney, my attendance too is not optional.

Here's a real example: Defendant is 37 years old. Defendant has 6 felony convictions, 29 misdemeanor convictions, 2 Violations of Probation, 2 parole violations, and 8 failures to appear in court. Defendant has also been a Fugitive from Justice. The State asked for and obtained bail of $200.00 on a misdemeanor charge when this defendant failed to appear. He was located four months later, was arrested and posted bail. Had he not committed his 30th misdemeanor, and had he appeared when ordered, he would not have found himself in that predicament. Bail is entirely warranted here.

As the Vermont Supreme Court has held: "Both this Court and the Legislature consider a defendant's appearance at a court proceeding of paramount importance . . . [and] Failing to appear in court is treated so seriously because "without the presence of the accused, the prosecution could not go forward and the state would be denied its opportunity to seek justice." *In re Miller*, 2009 VT 36, ¶ 18. I too consider a defendant's appearance at court proceedings of paramount importance and will continue to seek justice, and if we need bail to get a defendant's attention, secure their appearance, and move the process along for all involved, we will ask for it.

Thank you for your cooperation.

Douglas E. DiSabito, Esq.
State's Attorney, Grand Isle County