

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT
CALEDONIA UNIT
ORLEANS UNIT
LAMOILLE UNIT

CRIMINAL DIVISION

IN RE: DETAINEE AND INMATE
 COVID-19 MOTIONS

ENTRY ORDER

FILED

APR 14 2020

VERMONT SUPERIOR COURT
CALEDONIA UNIT

A number of Vermont inmates and detainees have filed motions and requests in which they ask the Superior Court to consider the effect of the COVID-19 outbreak on their continued incarceration or detention. Pursuant to an order of Chief Superior Judge Brian Grearson, these matters were consolidated before Superior Court Judge John Pacht.

In light of the number of motions filed, all such matters subject to consolidation orders and filed in the Washington, Caledonia, Orleans, and Lamoille Criminal Divisions have now been consolidated with the undersigned judge. At this time, this Court is aware of the following cases pending in Washington, Caledonia, and Orleans Counties:

State v. Branden Premont	Dkt. 295-3-20 Wncr, et al
State v. Kyle Bressette	Dkt. 789-6-19 Wncr, et al
State v. Phillip Benoit	Dkt. 205-2-18 Wncr
State v. Benjamin Andrews	Dkt. 72-1-20 Wncr
State v. Marissa Twitchell	Dkt. 822-6-19 Wncr
State v. Jennifer Dahdah	Dkt. 10-3-20 Cacm
State v. Robert Dragon	Dkt. 383-07-15 Cacr, et al
State v. John Sheehy	Dkt. 483-3-19 Cacr
State v. Jeffrey Tompkins	Dkt. 639-11-19 Cacr
State v. Robert Bushey	Dkt. 596-10-18 Oscr
State v. Randy Buzzell	Dkt. 762-10-19 Oscr
State v. Justin Gaboriault	Dkt. 129-2-20 Oscr
State v. Jason Metras	Dkt. 808-11-19 Oscr
State v. Brian Short	Dkt. 831-11-19 Oscr
State v. Seth Teaster	Dkt. 758-10-19, Oscr, et al
State v. Michael Wise	Dkt. 251-4-19 Oscr

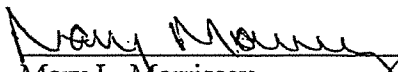
It is the Court's intention to schedule each of these cases for a hearing within the next seven business days.

Regarding the cases involving individuals who are currently being detained on pending charges, the anticipated bail review hearing will consider all issues relative to the person's release, but for the impact of COVID-19 on the detainee population. In explanation, the Court understands that an evidentiary hearing relating to the impact of COVID-19 on the Vermont incarcerated population is tentatively scheduled for April 21, 2020, at 9:30 a.m. in Windham County. The Court further understands that the motion filed in Windham County is similar to the motions filed in each of the cases cited above. Following a decision being made in the Windham County case, this Court will consider next steps in the cases in which that issue is still relevant to the cases cited above.

Regarding those cases involving individuals who are currently serving sentences, the anticipated hearings on the filed motions to reconsider sentence will be limited to the application of V.R.Cr.P. 35 to the specific requests being made by each defendant.

It is the Court's intention to hold the hearings in the respective counties in which the charges originate, and to have defendants present by teleconference from the correctional facility in which they are currently being held. Parties to the hearing may appear by phone.

Dated at Barre, Vermont this 14th day of April, 2020.


Mary L. Morrissey
Vermont Superior Court Judge