

RORY T. THIBAUT
STATE'S ATTORNEY

KRISTIN GOZZI
SR. DEPUTY STATE'S ATTORNEY

MALACHI BRENNAN
BRIDGET GRACE
ASHLEY HILL
ALFONSO VILLEGAS
DEPUTY STATE'S ATTORNEYS



STATE OF VERMONT
OFFICE OF THE
WASHINGTON COUNTY STATE'S ATTORNEY
255 NORTH MAIN STREET, SUITE 9
BARRE, VT 05641-4163
TELEPHONE: (802) 479-4220
FAX: (802) 479-4408

SUSAN SABENS
ELIZABETH HEBERT
ADMINISTRATION & SUPPORT

HOLLY LEACH
MELISSA BICKELMAN
VICTIM ADVOCATES

TODD PROTZMAN
INVESTIGATOR

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FOR IMMEDIATE RELEASE

BARRE, VT -- Many community members, especially from the Mad River Valley, have expressed concern that an individual alleged to have committed a carjacking is eligible for release pending trial, especially in considering the traumatic impact on the victim. The Office of the Washington County State's Attorney is cognizant of and sympathetic to these concerns. However, release, as recently occurred in the case of Wade Glenn is consistent with current law and the Legislature's intent for the use of bail and conditions of release in similarly situated cases.

On September 3, 2019, Wade Glenn (DOB: 11/20/1972), was arraigned on two charges, including larceny from the person, in violation of 13 V.S.A. § 2503, and operation of a motor vehicle without owner's consent, in violation of 23 V.S.A. § 1094(a), stemming from an incident in Warren, Vermont, that occurred on August 30, 2019. Larceny from the person, a felony offense, is punishable by up to ten years of imprisonment, and operation of a motor vehicle without owner's consent, a misdemeanor offense, is punishable by up to one year of imprisonment.

Following the incident, culminating with the alleged taking of a motor vehicle from the victim, Mr. Glenn was apprehended by law enforcement in Addison County. Later, following afterhours procedures, conditions of release were imposed by a Superior Court judge, and Mr. Glenn was cited by the Vermont State Police to appear at the Washington County Superior Court, Criminal Division on September 3, 2019 to answer for a misdemeanor offense of operating a motor vehicle without owner's consent.

Upon review of the case by the State's Attorney, and considering the statement of the victim, made on September 2, 2019, the felony offense of larceny from the person was added as a charge. Mr. Glenn appeared at his arraignment and was released on additional conditions of release following his arraignment on September 3, 2019. Mr. Glenn's conditions of release include:

- A 24 hour curfew at his residence with exceptions for legal, medical, and work purposes;

- No contact with the victim, not to abuse or harass the victim, to remain 300' away from the victim, victim's residence, place of employment, and vehicle;
- Not to leave the State of Vermont without the court's permission;
- Not to engage in any threatening or violent behavior

Additionally, a \$5,000.00 unsecured appearance bond was imposed, which must be paid to the court if Mr. Glenn were to fail to appear, effectively converting to cash bail as is commonly understood.

Courts assess both the risk of flight and public safety in determining whether to impose bail, impose conditions, some combination thereof, or to hold a defendant without bail altogether. Understanding this system is important to understand why most individuals are released on conditions, pending trial.

First, under Vermont law bail may only be imposed in order to mitigate the "risk of flight" from prosecution. This standard was recently modified by the legislature (Act 164 of 2018) to exclude use of bail to mitigate the "risk of non-appearance," that is avoiding court proceedings without physically absconding from the jurisdiction. The current language of 13 V.S.A. § 7554(a) provides that:

"The defendant shall be ordered released on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer **unless the judicial officer determines that such a release will not reasonably mitigate the risk of flight from prosecution as required.** In determining whether the defendant presents a risk of flight from prosecution, the judicial officer shall consider, in addition to any other factors, the seriousness of the offense charged and the number of offenses with which the person is charged. If the officer determines that the defendant presents a risk of flight from prosecution, the officer shall, either in lieu of or in addition to the methods of release in this section, impose the least restrictive [conditions of release]."

Second, the court considers conditions of release with respect to appearance and public safety. In the context of public safety, pursuant to 13 V.S.A. § 7554(b)(2) a court must consider:

"[T]he nature and circumstances of the offense charged; the weight of the evidence against the accused; and the accused's family ties, employment, character and mental condition, length of residence in the community, record of convictions, and record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. Recent history of actual violence or threats of violence may

be considered by the judicial officer as bearing on the character and mental condition of the accused.”

During the arraignment, Mr. Glenn, through counsel, reported ties to Vermont, including employment and housing in another county. The State noted Mr. Glenn’s past record in the Commonwealth of Pennsylvania and State of New Jersey, although the most recent conviction (a misdemeanor) in those jurisdictions was 13 years ago. Local media outlets have reported past crimes for which Mr. Glenn was accused, but not convicted. In setting conditions of release or bail, the State may only rely upon convictions. His Vermont record indicates one misdemeanor conviction in 2016 for a motor vehicle offense, and Mr. Glenn’s criminal record did not reflect any failures to appear in that or other past matters. This information was provided to the court and discussed in court.

There are limited situations where the State may seek to hold an individual without bail, specifically, in cases where a life sentence may be imposed (13 V.S.A. § 7553) or felony cases with an element of violence (13 V.S.A. § 7553(a)). Holding a defendant without bail under 13 V.S.A. § 7553(a) requires the State to meet a high standard:

“A person charged with an offense that is a felony, an element of which involves an act of violence against another person, may be held without bail when the evidence of guilt is great and the court finds, based upon clear and convincing evidence, that the person's release poses a substantial threat of physical violence to any person **and that no condition or combination of conditions of release will reasonably prevent the physical violence.**” (emphasis added).

Accordingly, the State has to demonstrate, by a heightened evidentiary standard, that pretrial detention is the only means to assure public safety. With respect to public safety, 13 V.S.A. § 7554(a)(2) provides that courts may impose conditions of release such as placing the defendant in the custody of a designated person or organization agreeing to supervise him or her, placing restrictions on the travel, association, or place of abode of the defendant during the period of release, requiring screening for alcohol or drug treatment, and other conditions reasonably necessary to protect the public.

Presently, often over the State’s objection or where the State has specifically requested that bail or a hold without bail order be imposed, individuals accused of felony offenses, including violent crimes, are released with no bail or on conditions that allow them to remain in the community pending trial. These situations frequently cause concern among victims of crime, especially given the limited responses available to violations of conditions of release.

In this case, while the alleged behavior of Mr. Glenn is deeply alarming, and was incredibly frightening to the victim, his release on an unsecured appearance bond and the imposition of conditions of release is consistent with the law of the State of Vermont. On the facts and evidence available at the time of arraignment the likelihood of bail being imposed or a hold without bail order being issued was minimal, given Mr. Glenn's appearance on a citation and a lack of demonstrated history of non-compliance with court orders or failures to appear.

It is the mission of the Office of the Washington County State's Attorney to utilize the full power of the criminal justice system in a manner that enhances quality of life and promotes public safety for the people of Washington County, consistent with our principles of effective prosecution, in a manner that is fair, transparent, and responsive to all members of our community.

State of Vermont v. Wade Glenn, Docket No. 1230-9-19 Wncr
VSP Incident No. 19A304197