

ENTRY ORDER

2022 VT 48

SUPREME COURT DOCKET NO. 22-AP-246

SEPTEMBER TERM, 2022

State of Vermont	}	APPEALED FROM:
	}	
v.	}	Superior Court, Bennington Unit,
	}	Criminal Division
	}	
Louis Tobin	}	Case No. 22-CR-00597

Trial Judge: Cortland Corsones

In the above-entitled cause, the Clerk will enter:

¶ 1. On September 15, 2022, defendant appealed the criminal division’s order holding him without bail pursuant to 13 V.S.A. § 7553. On September 30, 2022, three Justices of the Supreme Court heard this appeal.

¶ 2. Defendant, who is self-represented, was charged on January 20, 2022, with five felonies and five misdemeanors relating to an incident occurring that same date. The felonies included three counts of burglary, one count of grand larceny over \$900, and one count of unlawful mischief over \$1000. Habitual-offender enhancements were attached to the first four felony charges under 13 V.S.A. § 11, making those counts punishable by life imprisonment. The criminal division granted the State’s request to hold defendant without bail, over defendant’s opposition, after a weight-of-the-evidence hearing on January 25, 2022.

¶ 3. On March 3, 2022, defendant filed a bail-review motion in the criminal division, but this motion has yet to be heard due to repeated rescheduling. Because the criminal division has not yet considered defendant’s bail-review motion, we conclude that this matter must be remanded for the criminal division to resolve defendant’s bail-review motion in the first instance.

Remanded to the criminal division for it to resolve defendant’s motion for bail review forthwith.

BY THE COURT:

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice