

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Christopher P. Sullivan, Esq.
PRB File No. 2013-221

Statement of Additional Facts

NOW COMES Disciplinary Counsel, and pursuant to Administrative Order 9, Rule 19(B), hereby submits the following facts, in addition to the facts set forth in the Respondent's Affidavit of Resignation:

1. Respondent was admitted to the practice of law in Vermont in 1987.
2. Since June 12, 2015, Respondent's law license has been on interim suspension status, per order of the Vermont Supreme Court, based upon his conviction of two felonies which constitute serious crimes. **Exhibit A.**
3. On the evening of April 10, 2013, Respondent drank six or seven alcoholic beverages and then operated a motor vehicle on the streets of Rutland. Sergeant Abdelnour's Affidavit, paras. 15-16, attached to the Attorney General's Information, **Exhibit B.**
4. As he was driving down Strongs Avenue, Respondent struck and killed a 71-year-old pedestrian named Mary Jane Outslay, who had just dined with a friend at the Palms Restaurant and was returning to her car. Sergeant Abdelnour's Affidavit, paras. 4-6, and 17, **Exhibit B.**
5. Respondent left the scene of the accident without stopping his car; he did not stop to provide his contact information or to render assistance, as required by law. Sergeant Abdelnour's Affidavit, paras. 13 and 17, **Exhibit B.**
6. Shortly after the accident, Respondent called his law partner from the parking lot of Hannaford's. His partner informed him that an ambulance had arrived at the accident scene,

and a person had been taken to the hospital. Later that evening, Respondent learned that the accident had resulted in a fatality. Sergeant Abdelnour's Affidavit, paras. 18 and 22, **Exhibit B**.

7. Respondent went home that night and parked his vehicle, which had noticeable damage. According to the Sergeant's Affidavit, the "vehicle had moderate damage to the front center portion of the hood and significant damage to the windshield, including a large hole on the passenger side. The interior rear view mirror was hanging on its side as a result of the damage to the windshield and there was broken glass throughout the passenger compartment." Sergeant Abdelnour's Affidavit, para. 26, **Exhibit B**.

8. The next day, Respondent retained a lawyer and made arrangements to turn himself in to the Rutland Police Department. He turned himself in at 1:00 pm on April 11, 2013, seventeen hours after the crash. Sergeant Abdelnour's Affidavit, para. 14, **Exhibit B**.

9. On May 2, 2013, Respondent was charged with two felonies: driving under the influence of intoxicating liquor with death resulting [23 V.S.A. §§ 1201(a)(2) and 1210(f)(1)], and leaving the scene of a fatal motor vehicle crash without stopping. [23 V.S.A. §§ 1128(a) and (c).] Each charge carries a potential sentence of up to fifteen years' imprisonment. Attorney General's Information, **Exhibit B**.

10. On March 19, 2015, after a three day jury trial, the jury found Respondent guilty of the two felonies identified above. **Exhibit C**.

11. On May 19, 2015, the Rutland Superior Court entered judgment against the Respondent on the two felonies, thereby convicting him of those felonies. **Exhibit C**.

12. Respondent's felony convictions establish that he engaged in serious crimes, defined as illegal conduct involving any felony under Rule of Professional Conduct 8.4(b).

13. Under A.O. 9, Rule 17(E), a certificate of conviction of a crime shall be

conclusive evidence that an attorney has committed the crime. **Exhibit C** is certified by the Vermont Superior Court Clerk and constitutes a certificate of conviction.

14. On July 30, 2015, the Rutland Superior Court sentenced Respondent to serve four (4) to ten (10) years in prison on each felony conviction, with the sentences to run concurrently.

Exhibit D.

DATED at Burlington, Vermont, this 28th day of October, 2015.

Respectfully submitted,



Beth DeBernardi
Office of Disciplinary Counsel
32 Cherry Street, Suite 213
Burlington, VT 05401

Office
of
Disciplinary
Counsel

Professional
Responsibility
Program

ENTRY ORDER

VERMONT SUPREME COURT
FILED IN CLERK'S OFFICE

SUPREME COURT DOCKET NO. 2015-217

JUN 12 2015

JUNE TERM, 2015



In re Christopher Sullivan, Esq.

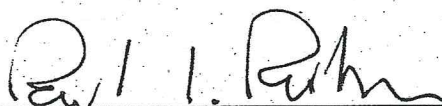
- } Original Jurisdiction
- } Professional Responsibility Board
- } PRB NO. 2013-221

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

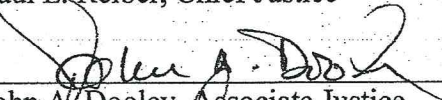
Respondent Christopher Sullivan, Esq. is an attorney admitted to the practice of law in Vermont. Respondent and disciplinary counsel for the Professional Responsibility Board have stipulated to respondent's interim suspension based upon his conviction of two felonies which constitute "serious crimes" under Administrative Order 9, Rule 17.C. Accordingly, pursuant to Administrative Order 9, Rule 17.D(1), the Court orders as follows:

- (1) Respondent's license to practice law is immediately suspended on an interim basis pending the final disposition of disciplinary proceedings in PRB No. 213-221.
- (2) Respondent shall comply with the provisions of Administrative Order 9, Rule 23.
- (3) Attorney Paul S. Kulig, Esq. is appointed as trustee to protect the interests of respondent's former clients.
- (4) The interim suspension shall take effect immediately on the issuance of this order.

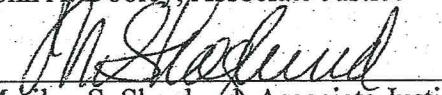
BY THE COURT:



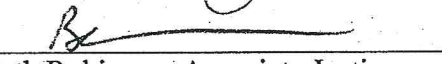
Paul L. Reiber, Chief Justice



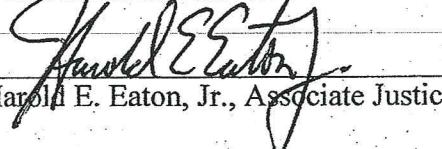
John A. Dooley, Associate Justice



Marilyn S. Skoglund, Associate Justice



Beth Robinson, Associate Justice



Harold E. Eaton, Jr., Associate Justice



STATE OF VERMONT

SUPERIOR COURT
RUTLAND UNIT

CRIMINAL DIVISION
Docket No. 776-5-13 RDCR

STATE OF VERMONT

v.

CHRISTOPHER SULLIVAN

FILED

MAY 02 2013

VERMONT SUPERIOR COURT
RUTLAND UNIT

INFORMATION BY ATTORNEY GENERAL

BY THE AUTHORITY OF THE STATE OF VERMONT, the Attorney General for the State of Vermont, upon his oath of office, charges:

Count 1 of 2

Charge Code: 23V1201A2#1/F, CHARGE NAME: DUI #1-Influence/Fatal,
OFFENSE CLASS: F

On or about April 10, 2013, Christopher Sullivan, of Rutland, Vermont, at Rutland, Vermont, in this county and territorial unit, was a person who operated a motor vehicle on Strongs Avenue, a public highway, while under the influence of intoxicating liquor resulting in the death of another, Mary Jane Outslay, in violation of 23 V.S.A. §§ 1201(a)(2) and 1210(f)(1) and against the peace and dignity of the State.

PENALTY: Imprisoned not less than 1 year nor more than 15 years or fined not more than \$10,000.00 or both.

Count 2 of 2

Charge code: 23V1128C, Charge Name: Leaving scene of crash-Fatal,
Offense Class: F

On or about April 10, 2013, Christopher Sullivan, of Rutland, Vermont, at Rutland, Vermont, in this county and territorial unit, was a person who operated a motor vehicle and caused or was involved in an accident resulting in the death of Mary Jane Outslay, and failed to immediately stop and render any assistance reasonably necessary or failed to give his name, residence, license number and the name and owner of the motor vehicle to any person who is injured or whose property is damaged and to any law enforcement officer, in violation of 23 § 1128(a) and (c) and against the peace and dignity of the State.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

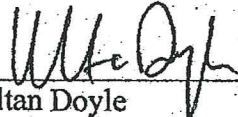
PENALTY: Imprisoned for not less than 1 year nor more than 15 years or fined not more than \$3,000.00 or both.

Dated: May 2, 2013

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:



Ultan Doyle
Assistant Attorney General

This information was presented to me and I have found probable cause on this _____ day of May, 2013.

Judicial Officer

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

AFFIDAVIT**STATE OF VERMONT
RUTLAND COUNTY, ss.**

NOW COMES Detective Sergeant Albert Abdelnour, affiant, after being duly sworn and on oath, makes the following statement to establish that there is probable cause to believe that Christopher Sullivan (DOB 12-4-59) has committed the offenses of Driving Under the Influence, With Death Resulting, in violation of 23 V.S.A. §§ 1201(a)(2); 1210(f)(1); and Leaving the Scene of an Accident, With Death Resulting, in violation of 23 V.S.A. §§ 1128 (a)(c):

1. I am now and have been for the past 23 years and 3 months, a full time employee of the Vermont State Police, being presently assigned to the Troop C Bureau of Criminal investigations as a Detective Sergeant.
2. I am presently assigned to the Bureau of Criminal Investigation, and am often called to investigate serious felony crimes. I have investigated and processed numerous serious and violent crimes, including homicides.

Initial Investigation

3. On 4-22-13, I was assigned an investigation conducted by the Rutland Police Department and the Vermont State Police involving an individual who left the scene of a fatal accident involving a pedestrian struck by a motor vehicle.
4. From my review, I learned that on 4-10-13, at approximately 7:58 pm, Rutland Police Officer Damon Nguyen was dispatched to the area in front of the Palms Restaurant located at 36 Strongs Avenue in Rutland, Vermont, based on a report that a motor vehicle had struck a pedestrian. Strongs Avenue is a public highway open to the general circulation of traffic. There are street lights on both sides of Strongs Avenue. At the time of the accident, it was raining.
5. According to Officer Nguyen, when he arrived, he noticed that an elderly female, later identified as Mary Outslay, was lying face down on the right side of the southbound lane of Strongs Avenue in front of the Palms Restaurant.
6. Ms. Outslay was transported to Rutland Regional Medical Center, where she was later declared dead by Dr. Courtney Fuller.
7. Officer Kevin Blongy arrived at the scene shortly after the accident and diagramed the scene. According to his diagram, the distance from the location where Ms. Outslay was struck to where she was found was approximately 2 ½ car lengths.
8. Det. Sgt. Dan Elliott of the Vermont State Police later estimated that the accident had occurred at approximately 7:54 pm. This estimate was based on a review of surveillance

videos, the time the 911 call reporting the accident was made, and the statement of Sharon Hughes.

Statements of Sharon Hughes

9. Officer Nguyen spoke to Sharon Hughes (DOB: 10-11-1944), who identified herself as a friend of Ms. Outslay's. Ms. Hughes indicated that she and Ms. Outslay had just exited the Palms and were crossing the street, when a vehicle traveling south on Strongs Avenue approached them at a high rate of speed and struck Ms. Outslay. According to Ms. Hughes, the vehicle did not stop after the collision.
10. Ms. Hughes was interviewed again by Det. Sgt. Helaine Gaiotti and Det. Sgt. Sam Capogrossi from Vermont State Police on 4-22-13. Ms. Hughes advised that Ms. Outslay had picked her up on 4-10-13 and drove her to the Palms Restaurant at around 5:15 pm. They left the restaurant around 8:00 pm and took a right towards Wales Street. Ms. Hughes advised she let Ms. Outslay exit the restaurant first so she could assist her; as Ms. Outslay walked with the assistance of two canes. Ms. Hughes was dressed in navy blue and Ms. Outslay was wearing a three quarter length cream colored trench coat. Ms. Hughes advised it was raining, but was nothing that required an umbrella. She said they were going to walk directly across Strongs Avenue to get to the other sidewalk to walk to Ms. Outslay's car safely.
11. Ms. Hughes said they looked both ways, but did not see any traffic coming. Ms. Hughes said they started to cross the street and that Ms. Outslay was moving quickly even with the canes. Ms. Hughes said she looked and saw a car that appeared to move quickly. Ms. Hughes advised she slowed down and called out to Ms. Outslay to stop, adding that Ms. Outslay was now directly in front of the oncoming vehicle. She started to reach out for Ms. Outslay, but she was too far away to reach her.
12. Ms. Hughes stated that Ms. Outslay stopped, faced the vehicle and put her hands in the air with her canes above her head. Ms. Hughes advised that the vehicle hit Ms. Outslay with brutal force. She went flying over the hood and then into the windshield. Ms. Hughes said that Ms. Outslay was then sent into the air and landed face first on the pavement.
13. Ms. Hughes indicated she then ran to Ms. Outslay who was lying down next to a parked car across the street. Ms. Hughes said that she looked down the street (southbound) and could only see the taillights of the car. She added that the vehicle never swerved, never applied the brakes and never stopped.

Statement of Christopher Sullivan

14. The next day, seventeen hours after the accident, at approximately 1:00 pm, Christopher Sullivan (DOB: 12-4-1959), accompanied by his attorney, Barry Griffith, came to Rutland Police Department where he was interviewed by Detectives Kevin Stevens and Robert Gorruso.

15. Sullivan told the detectives that at approximately 5:10 pm to 5:15 pm on 4-10-13, he went to Center Street Saloon and had 3 glasses of wine. He then left the Saloon and went to the house of Bill Davine, who was hosting a rib cookout. Sullivan indicated that while he was at the Davine's residence he consumed 3 or 4 beers and ate some ribs.
16. Sullivan advised that he left the Davine residence at approximately 7:45 pm to 7:50 pm to go pick up his son, Joseph, from work at Hannafords.
17. Sullivan advised that he was driving his 2004 Lexus 330 in the vicinity of the Palms Restaurant when he "heard a thud on the car." He advised that it was raining and his windshield wipers were on. He stated he panicked, kept driving and was unsure what to do. He further stated that he drove to the Hannaford's parking lot, where he noticed that his car had damage to its hood and windshield.
18. Sullivan advised that he then called his law partner, Paul Kulig, for advice. According to Sullivan, Kulig was able to confirm an ambulance had arrived at the scene and a person was taken to the hospital. According to Sullivan, he believed at that point, there was nothing he could do.
19. Sullivan said he did not pick up Joseph that night and that Joseph had walked part way home and then got a ride from a friend. Sullivan said he drove home "eventually" and parked his car in his driveway.
20. Sullivan told detectives that he did not feel he was impaired or intoxicated and that at the time of the accident he was traveling 30 mph.
21. Later in the interview, Sullivan told police that he could not tell whether immediately before the impact he might have noticed something. He further told them that he saw nothing until right before the "bump." And he told them he heard a thump on the windshield and that it knocked the rearview mirror off the windshield.
22. Sullivan also indicated later in the interview that in a subsequent phone call that night Kulig told him the accident had resulted in a fatality.
23. During the interview, Sullivan signed a form which gave police permission to search his vehicle. After signing the form, he informed the detectives that he seen hair on the windshield.

Inspection of the Vehicle

24. On 04-11-13, at approximately 2:15 pm, Det. Stevens and assisting officers arrived at Sullivan's residence at 63 Meadow Brook Road in Rutland and located a 2004 Lexus 330 sedan, bearing Vt. Registration FET538. The vehicle was tan and was parked on the side of the garage. The vehicle was not visible from the front of the residence. The registration is assigned to Christopher Sullivan.
25. The vehicle was photographed in place, seized, and transported to the Rutland City Fire Department where it was processed by Officers Kevin Blongy and Craig Hunt. The

vehicle was later transported to the impound yard at the Vermont State Police barracks in Rutland.

26. The vehicle had moderate damage to the front center portion of the hood and significant damage to the windshield, including a large hole on the passenger side. The interior rear view mirror was hanging on its side as a result of the damage to the windshield and there was broken glass throughout the passenger compartment. In addition, there was what appeared to be blood and hair on the windshield and inside the passenger compartment.

Statements of Center Street Saloon Employees

27. On 4-12-13, Det. Sgt. Capogrossi interviewed Laurie Manney (DOB 12-26-78) and Emilio Arroyo (DOB 5-12-82). Both are employees of the Center Street Saloon, 58 Center Street in Rutland, and were working there on the evening of 4-10-13. Ms. Manny advised that she arrived at the bar at 4:00 pm. She said that Sullivan, whom she knows, and Paul Kulig entered the bar around 5:00 pm. She said that she poured one glass of wine for Mr. Kulig and one for Sullivan.
28. Mr. Arroyo advised that he arrived at the Center Street Saloon around 5:30 pm and that Sullivan and Mr. Kulig each had had one glass of Pinot Noir wine prior to his arrival. He further advised that he covered Ms. Manney's shift for a little over an hour and that in that time, he refilled both Sullivan's and Mr. Kulig's wine glasses one time. He believed that prior to leaving, Sullivan had one more glass of wine. Mr. Arroyo estimated that Sullivan and Mr. Kulig left the bar some time between 6:35 pm and 6:45 pm.
29. On 4-23-2013, Det. Sgt. Capogrossi again met with Mr. Arroyo. He advised when Sullivan and Mr. Kulig were at the Center Street Saloon on 4-10-13, it was half-price wine night. He explained that every glass of wine served during half-price night is generally a 6 ounce pour into an 8 ounce wine glass. He said that 6 ounces of wine is equivalent to a 1 ounce shot of hard alcohol or a 12 ounce beer. He indicated that the Pinot Noir, which Sullivan and Mr. Kulig had been drinking that night, was 13.5 percent alcohol by volume.

Statements of Witnesses at Davine Residence

30. On 4-11-2013, Det. Sgts. Gaiotti and Capogrossi met with John William (Bill) Davine (DOB 6-14-64) at his residence, 38 Hazel Avenue in Rutland. He advised that on 4-10-13, Sullivan arrived at his house shortly after 6:30 p.m. and left some time before 8:00 p.m. to go pick up his son at Hannafords. He stated he observed Sullivan drink one beer and eat some ribs.
31. On 4-23-2013, Det. Sgts. Gaiotti and Capogrossi again met with Mr. Davine. On this occasion, Mr. Davine advised that Sullivan brought a 12 pack of Bud Lite with him when he came to the residence on the evening of 4-10-13.
32. On 4-17-2013, Det. Stevens met with Steve Garrow (9-16-64). He advised that on 4-10-13, he went to Bill Davine's residence at approximately 5:50 pm and left at

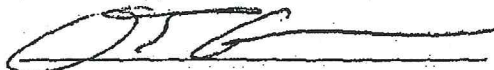
approximately 6:50 pm. He said Sullivan arrived at the residence about 6:30 pm. Mr. Garrow said he observed Sullivan drink one Bud Lite, which was contained in a 12 oz. bottle.

Statement of Joseph Sullivan

33. On 4-11-2013, Det. Sgts. Gaiotti and Capogrossi met with Joseph Sullivan (DOB 7-06-1994) at Hannafords in Rutland. Joseph advised he worked at Hannafords from 3:00 pm to 8:00 pm on 4-10-13 and that his father was supposed to pick him up after work, but did not. He stated that he walked home that night.


Additional Investigation

34. On 4-19-13, a Non-testimonial Identification Order was obtained from Washington Superior Court (Civil Division), which required Sullivan to go to Rutland Regional Medical Center and be weighed. Sullivan complied with that order and his weight on 4-22-13 was recorded by Det. Trooper Todd Wilkins as 257 lbs.
35. On 4-23-13, Sgt. John Young, an accident reconstructionist with the Vermont State Police, went to the scene of the accident. He concluded, based on Sullivan's reported speed of 30 mph and the victim's estimated speed of 1.5 feet per second and 3 feet per second that Mr. Sullivan's vehicle would have been between 572 feet (1/10 of a mile) and 264 feet (1/20 of a mile) away from Ms. Outslay when she started to cross the road.
36. On 5-1-13, Amanda Bolduc, a chemist from the Vermont State Forensic Lab, estimated that Sullivan's blood alcohol content (BAC) at the time of the accident on 4-10-13 was in the range of .079% to .129% if Sullivan consumed 3 glasses of wine and 3 beers and .097% to .147% if he consumed 3 glasses of wine and 4 beers. These ranges were based on the number of drinks which Sullivan admitted to having consumed that evening and the information that he and other witnesses provided to police. It was also based on his weight of 257 lbs.
37. Based on the above information I have probable cause to believe that Christopher Sullivan, on or about 4-10-13, in the County of Rutland, Vermont, committed the offenses of Driving Under the Influence, With Death Resulting, in violation of 23 V.S.A. §§ 1201(a)(2); 1210(f)(1); and Leaving the Scene of an Accident, With Death Resulting, in violation of 23 V.S.A. §§ 1128 (a)(c).



AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME ON THE ABOVE DATE

5/1/13

 DATE

NOTARY PUBLIC/ JUDICIAL OFFICER

PENGAD 800-831-681

LAHDI

C

Docket No. 776-5-13 Rdcr State vs. Sullivan, Christophe 776-5-13 Rdcr

Prosecutor: Ultan Doyle Defendant: Christopher P. Sullivan
 Motions pdg: DOB: 12/04/1959
 Bail set: \$500000.00 POB: Rutland, VT
 Incarcerated: Marble Valley Regional Corr Fac (Rutland) Atty: Barry E. Griffith
 Conditions: Aliases:
 Case Status: Address: 63 Meadowbrook Road
 Active - Ready for sentence Rutland VT 05701
 Next Hearing:

Dspt	Docket No.	Ct.	Statute	F/M/O
1	776-5-13 Rdcr	1	23 1201(a) (2)	fel
	DUI #1-INFLUENCE/FATAL			
2	776-5-13 Rdcr	2	23 1128(c)	fel
	LEAVING SCENE OF CRASH-FATAL			

CERTIFIED TO BE A TRUE COPY OF
 THE ORIGINAL AS THE SAME APPEARS ON
 FILE IN THIS OFFICE.

Lawrie R. Carver 5/19
 CLERK, VERMONT SUPERIOR COURT
 RUTLAND CRIMINAL DIVISION

05/02/13 Information and Affidavit filed on 2 disputes. Custody status: released.
 Dispute 1 for Docket No. 776-5-13 Rdcr Count #1, DUI #1-INFLUENCE/FATAL, Felony, 23 V.S.A. 1201(a) (2). Alleged offense date: 04/10/13. Arrest/citation date: 04/10/13 VSP-Rutland.
 Dispute 2 for Docket No. 776-5-13 Rdcr Count #2, LEAVING SCENE OF CRASH-FATAL, Felony, 23 V.S.A. 1128(c). Alleged offense date: 04/10/13. Arrest/citation date: 04/10/13 VSP-Rutland.
 Probable Cause found by Judge Theresa S. DiMauro on disputes 1-2.
 Arraignment set for 05/02/13 at 01:00 PM.
 Status Conference set for 06/10/13 at 03:00 PM.
 Arraignment held by Theresa S. DiMauro. (DIGITAL).
 Appearance entered by Barry E. Griffith.
 Copy of Affidavit and Information given to defendant. 24 hour rule waived.
 Reading of Information waived. Defendant pleads not guilty on disputes 1-2. Pre-trial discovery order issued.
 Unsecured Appearance bond set by Theresa S. DiMauro on dispute 1-2. Bail Amount: 10000.00 set. Condition[s] 1-3,12,37,40 imposed; You shall submit to alcohol testing at any time upon request of any law enforcement officer You shall report to the Vermont State Police Barracks on 5/2/13 for fingerprints and photographs At that time you shall surrender your passport to the Vermont State Police.

06/07/13 Geico, counsel for witness, entered as party/participant 3.
 Motion to Quash Subpoena-M. for Protective Order filed by Attorney Brendan P. Donahue for counsel for witness Geico on disputes 1-2.
 Motion to Quash Subpoena-M. for Protective Order given to judge.

06/10/13 Motion to Amend Conditions (Stipulated) filed by Attorney Barry E. Griffith for Defendant Christopher P. Sullivan on disputes 1-2.
 Motion to Amend Conditions (Stipulated) given to judge.
 1 document filed by Attorney Barry E. Griffith for party 1: felony status stip and order.
 Status Conference scheduled for 06/10/13 cancelled.
 Entry Order: Deadlines from discovery stip & order. Defense - documentary discovery is not entirely complete - by 6/21/13; expert witnesses disclosed by 8/1/13; depositions by 9/30/13; motions by 10/28/13. State - defense witness list by 7/15/13; expert witnesses disclosed by 9/30/13; motions in limine by 12/1/13. Trial ready 1/15/14; est. 3 day trial. (copies to attys).
 Motion 2 (to Amend Conditions (Stipulated)) granted by Theresa S. DiMauro.

Unsecured Appearance bond set by Theresa S. DiMauro on dispute 1-2. Bail Amount: 10000.00 amend. Condition[s] 1-3,12,37,40-41 imposed; You shall submit to alcohol testing at any time upon request of any law enforcement officer You shall report to the Vermont State Police Barracks on 5/2/13 for fingerprints and photographs At that time you shall surrender your passport to the Vermont State Police. The alcohol testing referred to in Condition #37 may be conducted at any location, including at your residence.
Motion to Quash Subpoena-M.for Protective Order set for hearing per Judge Theresa S. DiMauro.

06/14/13 Motion Hearing set for 07/23/13 at 10:30 AM.

06/20/13 1 document filed by Attorney Ultan Doyle for party 2: Opposition to M. to Quash Subpoena.

Motion to Amend Conditions (Unopposed) filed by Attorney Ultan Doyle for Plaintiff State on disputes 1-2. Motion to Amend Conditions (Unopposed) given to judge.

06/25/13 Motion 3 (to Amend Conditions (Unopposed)) granted by Theresa S. DiMauro.

Unsecured Appearance bond set by Theresa S. DiMauro on dispute 1-2. Bail Amount: 10000.00 amend. Condition[s] 1-3,12,37,40-42 imposed; You shall submit to alcohol testing at any time upon request of any law enforcement officer You shall report to the Vermont State Police Barracks on 5/2/13 for fingerprints and photographs At that time you shall surrender your passport to the Vermont State Police. The alcohol testing referred to in Condition #37 may be conducted at any location, including at your residence. The testing set forth in condition #37 shall be conducted by law enforcement on a random basis.

07/01/13 2 documents filed by Attorney Brendan P. Donahue for party 3: Reply motion to quash subpoena/motion for protective order.

07/23/13 Motion Hearing held by Theresa S. DiMauro. (DIGITAL).

Note: attorney Donahue present rep defendant.

Motion 1 (to Quash Subpoena-M.for Protective Order) taken under advisement by Theresa S. DiMauro. Motion 1: Under Advisement.

08/02/13 Motion 1 (to Quash Subpoena-M.for Protective Order) granted by Theresa S. DiMauro. SEE WRITTEN OPINION AND ORDER IN FILE. Party 3, Geico, removed.

08/22/13 1 document filed by Attorney Ultan Doyle for party 2: subpoena RTS via USPS.

1 document filed by Attorney Ultan Doyle for party 2: subpoena RTS via USPS.

11/04/13 Pre Trial Conference set for 01/16/14 at 09:00 AM.

Jury Drawing set for 01/22/14 at 09:00 AM.

11/07/13 Note: Atty Donahue mistakenly received the ptr and jurydraw notices and he was informed that he did not have to attend.

01/10/14 Motion to Continue filed by Attorney Barry E. Griffith for Defendant Christopher P. Sullivan on disputes 1-2. Motion to Continue waiting for Memo in Opposition.

01/13/14 1 document filed by Attorney Ultan Doyle for party 2: Objection to motion to continue.

01/15/14 Motion to Continue to be set for hearing per Judge Theresa S. DiMauro.

Entry Order: On Motion to continue: The motion to continue the jury draw will be addressed at the pretrial conference on 1/16/14. Both the state and the defense shall be prepared to address the availability of their witnesses for either a January or February jury draw. Trial dates for each jury draw are available through the clerk's office. In addition, the parties shall be prepared to advise the court of any contemplated pretrial motions in limine since no substantive motions to suppress or dismiss have been filed.

01/16/14 Pre Trial Conference held by Theresa S. DiMauro. (DIGITAL).

Entry Order: Court will not wait for progression of civil case to proceed with this trial. Judge gives counsel until 1/31 to file motions. Depending on which motions are filed case may be tried in February or March if additional time needed for hearing on motions. State requests date certain for trial as they will need to use out of state witness process. Parties may submit proposed jury

questionnaires prior to jury draw for Court's consideration by 1/31/14.

Jury Drawing scheduled for 01/22/14 continued.

Motion 4 (to Continue) granted by Theresa S. DiMauro. Parties notified on the record.

01/31/14 Motion for Particularized Jury Questionnaire filed by Attorney Barry E. Griffith for Defendant Christopher P. Sullivan on disputes 1-2. Motion for Particularized Jury Questionnaire waiting for Memo in Opposition.

Motion in Limine: Exclusion of Opinion Evidence filed by Attorney Barry E. Griffith for Defendant Christopher P. Sullivan on disputes 1-2. Motion in Limine: Exclusion of Opinion Evidence waiting for Memo in Opposition.

02/12/14 2 documents filed by Attorney Ultan Doyle for party 2: Response to Motion #5; Response to Motion #6.

Motion for Particularized Jury Questionnaire given to Judge Theresa S. DiMauro.

02/27/14 Motion 5 (for Particularized Jury Questionnaire) granted by Theresa S. DiMauro.

Motion in Limine: Exclusion of Opinion Evidence set for hearing per Judge Theresa S. DiMauro.

Motion Hearing set for 04/23/14 at 09:00 AM.

04/01/14 Motion to Continue Evidentiary Hearing filed by Attorney Ultan Doyle for Plaintiff State on disputes 1-2. Motion to Continue Evidentiary Hearing given to judge.

04/02/14 Motion 7 (to Continue Evidentiary Hearing) granted by Theresa S. DiMauro.

Motion Hearing scheduled for 04/23/14 continued.

04/09/14 Motion Hearing set for 05/14/14 at 02:00 PM.

05/14/14 Motion Hearing held by Theresa S. DiMauro. (DIGITAL). Case status changed to Active - Under Advisement.

Entry Order: state has until June 27th for post hearing memo then the defense has until July 18 for response. Motion 6: Under Advisement.

05/29/14 Co-counsel, party 2, entered as party/participant 4.

1 document filed by Attorney David E. Tartter for party 4: notice of appearance.

06/30/14 Memorandum in Opposition to Motion in Limine: Exclusion of Opinion Evidence filed by Attorney Ultan Doyle for Plaintiff State.

07/21/14 Memorandum in Opposition to Motion in Limine: Exclusion of Opinion Evidence filed by Attorney Barry E. Griffith for Defendant Christopher P. Sullivan.

08/04/14 1 document filed by Attorney Ultan Doyle for party 2: Reply to Def Post-Hearing Memorandum.

09/18/14 Motion 6 (in Limine: Exclusion of Opinion Evidence) denied by Theresa S. DiMauro. SEE WRITTEN OPINION AND ORDER IN FILE.

09/25/14 Status Conference set for 10/06/14 at 03:00 PM.

10/01/14 Status Conference scheduled for 10/06/14 rescheduled.

10/16/14 Status Conference set for 11/26/14 at 10:30 AM. PLEASE NOTE: THIS HEARING WILL BE HELD AT THE WINDSOR CIVIL DIVISION, 12 THE GREEN, WOODSTOCK, VT.

11/26/14 Status Conference held by Theresa S. DiMauro. (CDVIDEO) Hearing held at Windsor Civil Division, Woodstock, VT.

Entry Order: Parties to advise the court by 12/5 if trial the week of 3/16/15 will work for their witnesses. Jury questionnaires to be sent out with a late January return date requested. Motions in limine by 1/5/15.

12/29/14 Jury Drawing set for 03/16/15 at 09:00 AM.

Jury Trial set for 03/17/15 at 09:00 AM.

Jury Trial set for 03/18/15 at 09:00 AM.

Jury Trial set for 03/19/15 at 09:00 AM.

Jury Trial set for 03/20/15 at 09:00 AM.

02/02/15 Attorney David E. Tartter withdraws. Co-counsel, party 2, entered as party/participant 5.

1 document filed by Attorney Evan P. Meenan for party 5: notice of appearance.

03/12/15 1 document filed by Attorney Ultan Doyle for party 2: Notice of

deposition.

03/13/15 Status Conference set for 03/13/15 at 02:00 PM.
Status Conference held by Theresa S. DiMauro. (CDVIDEO).
Entry Order: Case ready for trial to begin 3/16.

03/16/15 Jury Drawing held by Theresa S. DiMauro. (CDVIDEO).
Note: Jury drawn.

03/17/15 Jury Trial held by Theresa S. DiMauro. (CDVIDEO).
Note: First day of jury trial begins. Testimony & evidence taken.
Trial will continue on 3/18/15.

03/18/15 Jury Trial held by Theresa S. DiMauro. (CDVIDEO).
Note: 2nd day of Jury Trial testimony and evidence. Trial will
proceed further on 3/19/15.

03/19/15 Jury Trial held by Theresa S. DiMauro. (CDVIDEO).
Surety bond or cash set by Theresa S. DiMauro on dispute 1-2. Bail
Amount: 500000.00 set. Condition[s] 1-2,6-7,12,17,34 imposed; No.6:
to reside in Rutland County; No.17: subject to arrest without warrant
if does not abide by Condition[s] 1,2,6,7,12,34; You shall report
once daily to Rutland County Sheriff's Department between the hours
of 6-8am or 6-8pm.
Mittimus for Failure to Give Bail issued. Custody status: Marble
Valley Regional Corr Fac(Rutland). Conditions of Release signed by
defendant.
Trial verdict on dispute 1: guilty by jury.
Trial verdict on dispute 2: guilty by jury.
Entry Order: Defense has until 4/2/15 to file any post verdict
motions.

03/23/15 Case status changed to Active - Ready for sentence.

03/31/15 Motion to Review and Modify Conditions filed by Attorney Barry E.
Griffith for Defendant Christopher P. Sullivan on disputes 1-2.
Motion to Review and Modify Conditions to be set for hearing.

04/01/15 Bail Review hearing set for 04/03/15 at 01:15 PM.

04/02/15 Motion for a New Trial filed by Attorney Barry E. Griffith for
Defendant Christopher P. Sullivan on disputes 1-2. Motion for a New
Trial waiting for Memo in Opposition.

04/03/15 2 documents filed by Attorney Ultan Doyle for party 2: States
response to def. motion to; review and modify conditions of release.
Bail Review hearing held by Theresa S. DiMauro. (CDVIDEO).
Note: states response for a new trial due 4/23/15 set for hearing.
Motion 8 (to Review and Modify Conditions) denied by Theresa S.
DiMauro.

04/08/15 Notice of Appeal from party 1.
5 documents filed by Attorney Barry E. Griffith for party 1: Notice
of Bail Appeal; Motion for Appt. Counsel for Purposes of; Appeal;
Public Defender Application; Affidavit.
Note: PD App given to clerk. Public Defender requested.
Note: **PD Application filed 4/8/15 is ONLY FOR BAIL APPEAL ISSUE**.
Request granted for public defender. 2851.00 to be paid; Payment
Order No. 61480. BAIL APPEAL ONLY.

04/09/15 Note: Spoke with Cathy Gattone at Defender General's Office. She
indicated that their office was aware of this filing and indeed would
be representing def on the Appeal of the Bail Review. Court can scan
information to their office once it has been prepared for Supreme
Court. Spoke with Audrey Fargo from Supreme Court. She indicated
that sending the contents of trial court file in mail would be fine
and we did not need to scan to Superme Court. Sent Notice of Appeal,
PD App & Order, certified copy of docket entries, hearing list,
copies of trial court documents pertaining to Bail Appeal with
document list. cc: State, B. Griffith, Defender General by xmail.

04/13/15 2 documents filed for party : Cover letter docket No. 2015-149;
assigned to appeal.

04/21/15 Motion Hearing set for 05/19/15 at 09:00 AM.

04/22/15 Memorandum in Opposition to Motion for a New Trial filed by Attorney
Ultan Doyle for Plaintiff State.

04/28/15 Motion Hearing scheduled for 05/19/15 rescheduled.
Motion Hearing set for 05/19/15 at 01:00 PM. PLEASE NOTE; THIS
HEARING WILL BE AT THE WINDSOR CIVIL DIVISION, 12 THE GREEN,

WOODSTOCK, VT.

- 05/11/15 Entry Order: Bail appeal decision filed.
Secured Appearance bond set by Theresa S. DiMauro on dispute 1-2.
Bail Amount: 500000.00 with 50000.00 deposit amend. Condition[s]
1-2,6-7,12,17,34 imposed; No.6: to reside in Rutland County; No.17:
subject to arrest without warrant if does not abide by Condition[s]
1,2,6,7,12,34; You shall report once daily to Rutland County
Sheriff's Department between the hours of 6-8am or 6-8pm.
Mittimus for Failure to Give Bail issued. Custody status: Marble
Valley Regional Corr Fac(Rutland). Conditions of Release signed by
defendant.
- 05/12/15 \$20000.00 check posted by Christopher P. Sullivan. Custody status:
released.
\$30000.00 check posted by Christopher P. Sullivan. Custody status:
released.
- 05/13/15 Motion for Permission to Travel to Attend Court filed by Attorney
Barry E. Griffith for Defendant Christopher P. Sullivan on disputes
1-2. Motion for Permission to Travel to Attend Court given to judge.
Motion 10 (for Permission to Travel to Attend Court) granted by
Theresa S. DiMauro. Mr. Sullivan may leave Rutland County on May 19,
2015 for the purpose of traveling to and from a court hearing to be
held in Woodstock at 1:00 p.m.
- 05/19/15 Motion Hearing held by Theresa S. DiMauro. (CDVIDEO) Held in Windsor
Superior Court.
Motion 9 (for a New Trial) denied by Theresa S. DiMauro. Parties
notified on the record.
Trial verdict on dispute 1: guilty by jury.
Trial verdict on dispute 2: guilty by jury.
Presentence investigation ordered by Judge Theresa S. DiMauro to be
completed by Probation and Parole due 06/25/15.
Entry Order: Judgment entered on verdicts for counts 1 and 2. Motion
for new trial denied. Order Presentence Investigation. Sentencing to
be set.

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Motion to Continue filed by Attorney Barry E. Griffith for De Christopher P. Sullivan on disputes 1-2. Motion to Continue given to judge.

07/21/15

4419080 - motdisp

Motion 13 (to Continue) denied by Theresa S. DiMauro. See file for written order.

4419822 - document

2 documents filed for party : Letter affirming denial of Public; Defender assignment.

07/27/15

4422003 - document

1 document filed by Attorney Ultan J. Doyle for party 2: Sentencing Memorandum.

07/28/15

4422325 - document

3 documents filed by Attorney Barry E. Griffith for party 1: Sentencing Memorandum; State v. Neisner Reference Materials; State v. Poczobut Reference Materials.

07/30/15

4424125 - document

4 documents filed by Attorney Barry E. Griffith for party 1: Ltr. from John & Mary Cassarino; Ltr. from Matthew Hart; Ltr. from Donald Cioffi; Ltr. from Jean Ross.

4424147 - hrgheld

Sentencing Hearing held by Theresa S. DiMauro. (CDVIDEO).

4424225 - sentence

*

Sentence on dispute 1: to serve 4 year(s) to 10 year(s)

4424225 - sentence

to start on 07/30/15 per Judge Theresa S. DiMauro. Credit for time served as allowed by law. Sentencing Mittimus to Commissioner of Corrections issued. concurrent. \$41.00 surcharge assessed. \$60.00 BAC Test surcharge assessed. \$100.00 Special Investigative Unit surcharge assessed. Public Defender DWI surcharge: \$50.00. DUI Enforcement Surcharge: \$50.00.

4424238 - jailmitt

4424240 - chgdisp

Dispute 1: Verdict by jury of guilty. Judgment of Guilty entered by Judge Theresa S. DiMauro on dispute 1.

4424241 - sentence

*

Sentence on dispute 2: to serve 4 year(s) to 10 year(s)

4424241 - sentence

to start on 07/30/15 per Judge Theresa S. DiMauro. Credit for time served as allowed by law. Sentencing Mittimus to Commissioner of Corrections issued. concurrent. \$41.00 surcharge assessed. \$100.00 Special Investigative Unit surcharge assessed. DUI Enforcement