

ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-466

DECEMBER TERM, 2007

State of Vermont	}	APPEALED FROM:
	}	
	}	
v.	}	District Court of Vermont,
	}	Unit No. 2, Rutland Circuit
Jahaad Williams	}	
	}	DOCKET NO. 1741-11-07

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

Defendant Jahaad Williams is charged with one count of selling cocaine in violation of 18 V.S.A. § 4231(b)(1) and one count of conspiracy in violation of 13 V.S.A § 1404(c)(5). He appeals from the district court’s imposition of \$100,000 bail.

This Court must affirm the order of the district court setting bail “if it is supported by the proceedings below.” 13 V.S.A. § 7556(b); see also State v. Parda, 142 Vt. 261, 262 (1982) (reciting same); State v. Cardinal, 147 Vt. 461, 466 (1986) (same).

In its decision to impose \$100,000 bail, the district court relied in part on “the seriousness of the two offenses [defendant] is currently charged with each of which carry a maximum term of five years imprisonment.” However, at a hearing on the appeal, defense counsel argued that defendant could not properly be charged with both crimes. In addition, the State conceded that two consecutive sentences could not be imposed even if defendant were convicted on both charges.

In light of the fact that the defendant’s argument and the State’s concession may undermine somewhat the district court’s rationale for imposition of bail, we remand to the court for reconsideration.

Remanded for the district court to conduct a new bail hearing. Defendant’s conditions of release, including the imposition of bail, will continue in effect pending the outcome of that hearing.

FOR THE COURT:

Marilyn S. Skoglund, Associate Justice