

ENTRY ORDER

SUPREME COURT DOCKET NO. 2009-456

DEC 16 2009

DECEMBER TERM, 2009

State of Vermont	}	APPEALED FROM:
	}	
	}	
v.	}	District Court of Vermont,
	}	Unit No. 3, Franklin Circuit
Clark W. Salmon, III	}	
	}	DOCKET NO. 1443-12-09 FrCr
	}	
	}	Trial Judge: A. Gregory Rainville

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

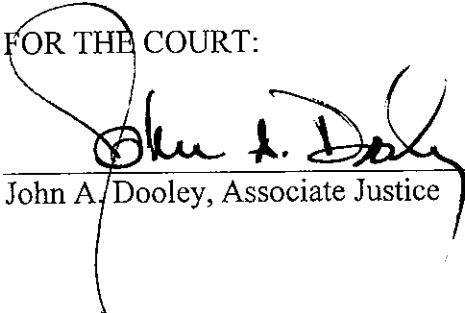
Defendant Clark W. Salmon, III appeals the Franklin District Court's decision not to reduce bail below \$5000. We affirm.

On November 24, 2009, defendant was arraigned in Bennington District Court on two counts of violating conditions of release imposed pursuant to 13 V.S.A. § 7554. Count one alleges that defendant failed to notify the court of his change in address and count two alleges that he violated curfew. The trial judge set bail in the amount of \$5000. The case was then transferred to the Franklin District Court, where defendant moved to have that court review the bail set by the Bennington court. The Franklin judge held a hearing on December 7, 2009 and decided not to reduce bail. Defendant filed a timely appeal to this Court, pursuant to 13 V.S.A. § 7556(b), and this Court held a telephone hearing with State's Attorney Deborah Celis and defense counsel Michael Ledden on Tuesday, December 15, 2009.

Our review of conditions of release is limited by statute. *Id.* We will affirm a district court's decision "if it is supported by the proceedings below." *Id.* In setting bail, a judge must determine which conditions will reasonably assure that defendant will appear. 13 V.S.A. § 7554(a). The record reflects that the trial court properly considered the length of defendant's criminal history, defendant's failure to notify the court when he moved from the St. Albans area to Bennington, and the need to assure defendant's appearance. Defendant's failure to notify the court of his move in particular raises concerns about his willingness to comply with court orders. Under these circumstances, we find that the court's decision to set bail at \$5000 is supported by the record. Therefore, we affirm.

Affirmed.

FOR THE COURT:



John A. Dooley, Associate Justice