

ENTRY ORDER

SUPREME COURT DOCKET NO. 2006-332

AUGUST TERM, 2006

State of Vermont	}	APPEALED FROM:
	}	
v.	}	District Court of Vermont,
	}	Unit No. 3, Washington Circuit
Bradford Cook	}	
	}	DOCKET NO. 1085-9-05 Wncr

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

Defendant appeals an order of the Washington District Court releasing him on the condition, among others, that he reside with Patricia Clark.* Since the district court=s order, and with the consent of the State, defendant has since lived at the residence of another. Defendant contends that the bail condition requiring him to reside with another at a designated address is too restrictive. See 13 V.S.A. ' 7554(a)(2). I affirm the trial court=s residency restriction given the potential hazard defendant poses to himself and to others.

Defendant was arrested for one count of first degree aggravated domestic assault in violation of 13 V.S.A. ' 1043(a)(2). The State alleges that defendant tried to run over his former wife with his automobile. Defendant and his ex-wife share two minor children. Both parties stated at oral argument that at the time of his arrest, defendant was attempting to commit suicide which led to his admittance to the psychiatric ward of Central Vermont Hospital for a period of days.

Among the factors the trial court Ashall@ consider in setting conditions of bail is the accused=s Acharacter and mental condition.@ 13 V.S.A. ' 7554(b). Defendant=s counsel emphasizes on appeal that defendant has suffered no further incidents related to his mental health since his arrest. This history is not before me because I must consider this appeal on the record below. See 13 V.S.A. ' 7556(b). In any event, it is impossible to say whether defendant=s apparent stability is the result of his own healing, or whether it is a function of his not living alone. Either way, I find the trial court was within its discretion in requiring defendant to reside with another as this condition is likely to protect defendant, his ex-wife, and their

children. I therefore affirm defendant=s residency restriction as a condition of his release.

FOR THE COURT:

John A. Dooley, Associate Justice

*The State and defendant agree as to all other conditions of defendant=s release.