



DC-18

William Cobb <wcobb@cobblawvt.net>

Michael King Windsor County Offer

2 messages

Remick, Heidi <Heidi.Remick@vermont.gov>

Thu, Aug 22, 2019 at 2:33 PM

To: William Cobb <wcobb@cobblawvt.net>

Cc: "Place, Meghan" <Meghan.Place@vermont.gov>, "Warren, Lisa" <Lisa.Warren@vermont.gov>

Dear Bill,

What follows below is a series of time-sensitive plea offers to Mr. King with the most-discounted offer expiring soonest. These offers are made in consideration of prompt acceptance of responsibility and in recognition of the substantial value that early resolution of this case will have for the victim, your client, and for the justice system as a whole. You should not anticipate that any offer deadline extensions will be granted.

Sentencing Data

Mr. King is charged with lewd and lascivious conduct with a child and aggravated sexual assault. Sentencing data for the period 2008 to 2018 for those charges is attached to this email for your convenience.

Aggravating Factors

The State considered the following aggravating factors:

- Vulnerability of E.D.
- Allegations by multiple victims

Mitigating Factors

- Lack of prior criminal history

If you believe there are additional mitigating factors the State should consider, please be in touch to discuss them while before the expiration of the offer deadline.

Offer Deadlines**OFFER #1:**

1

Acceptance Deadline: 9/20/19 (No extensions)

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How Accepted: In Writing Only

COP Date: Within 3 weeks of offer acceptance (no extensions)

You may trigger revocation by scheduling depositions or filing a substantive motion. Your client may trigger revocation by engaging in further criminal behavior. If you wish to ask a clarifying question or make a counter-proposal, please do so such that the entire exchange can occur prior to the deadline.

Plead to count 1: 7-15 years all suspended but 3 years to serve. The State will dismiss Count 2. Windsor County is willing to run this sentence concurrent to whatever resolution may be reached in Caledonia County.

OFFER #2

Acceptance Deadline: 10/22/19

How Accepted: In Writing Only

COP Date: Within 3 weeks of offer acceptance (no extensions)

You may trigger revocation by filing a substantive motion. Your client may trigger revocation by engaging in further criminal behavior. If you wish to ask a clarifying question or make a counter-proposal, please do so such that the entire exchange can occur prior to the deadline. Under no circumstances will the State honor an offer at the pretrial status conference (PSC) or negotiate at the PSC.

Plead to count 1: 7-15 years to serve, concurrent to Caledonia County. The State will dismiss count 2.

Thereafter, the State will seek convictions for both counts. As you likely know, Count 2 carries a mandatory maximum sentence of life pursuant to 13 VSA 3271.

I look forward to discussing this case with you in the future.

Yours very truly,

Heidi

Heidi W. Remick

Deputy State's Attorney

Windsor County State's Attorney's Office (WCSA)

Windsor Unit for Special Investigation (WNSI)

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5 South Main St., Suite 208

White River Junction, VT 05001

(802) 295-8870

"Few will have the greatness to bend history itself, but each of us can work to change a small portion of events. It is from numberless diverse acts of courage ... that human history is shaped."

~Robert F. Kennedy

2 attachments

13V3253a8 Sentencing Data.PNG

32K

13V2602 Sentencing Data.PNG

34K

William Cobb <wcobb@cobblawvt.net>

Thu, Aug 22, 2019 at 4:38 PM

To: "Remick, Heidi" <Heidi.Remick@vermont.gov>

Cc: "Place, Meghan" <Meghan.Place@vermont.gov>, "Warren, Lisa" <Lisa.Warren@vermont.gov>

Got it. Thanks Heidi.
Bill

William W. Cobb, Esq.

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Final Charge Code

Vermont Statewide Sentencing Statistics

Sentence	Avg. total mininyrs	Avg. total maxinyrs	Avg. serve	Avg. Sentfine	Number of Records
Incarceration	14	47	0	0	7
Other	21	0	0	-10	31
Probation	5	25	0	0	1
Split Sentence	12	1	1,867	0	6

Sentence Averages Windsor Compared to Rest of State

	Incarceration	Avg. total mininyrs	Avg. total maxinyrs	Avg. serve	Avg. Sentfine	Number of Records
Rest of State		14	38	0	0	6
Other		21	0	0	-10	31
Probation		5	25	0	0	1
Split Sentence		7	2	975	0	4
Windsor	Incarceration	10	99	0	0	1
	Split Sentence	20	0	3,653	0	2

Percent of Final Charges Disposed, Windsor Compared to Rest of State

	disposition			
	Aquitted	Dismiss..	Guilty	Nolle Prosequi Transfer
Rest of State	2.45%		25.77%	69.94% 1.84%
Windsor		5.26%	15.79%	73.68% 5.26%

Final Charge Code

13V2602

Vermont Statewide Sentencing Statistics

Sentence	Avg. total mininys	Avg. total maxinys	Avg. serve	Avg. Sentfine	Number of Records
Deferred	4.8	0.0	0.0	0.0	17.0
Incarceration	3.7	9.6	0.0	56.7	138.0
Other	31.0	0.0	0.0	-15.4	7.0
Probation	2.6	8.2	0.0	6.1	59.0
Split Sentence	3.8	10.9	864.3	-1.1	120.0

Sentence Averages Windsor Compared to Rest of State

Rest of State	Deferred	Avg. total mininys	Avg. total maxinys	Avg. serve	Avg. Sentfine	Number of Records
Incarceration		4	10	0	60	131
Other		31	0	0	-15	7
Probation		3	8	0	-3	53
Split Sentence		4	11	813	-1	105
Windsor	Deferred	4	0	0	0	4
	Incarceration	2	5	0	0	7
	Probation	2	6	0	83	6
	Split Sentence	5	12	1,226	0	15

Percent of Final Charges Disposed, Windsor
Compared to Rest of State

	disposition			
	Aquitted	Dismiss..	Guilty	Nolle Prosequi
Rest of State	2.07%	2.87%	49.20%	44.43%
Windsor	3.23%	1.61%	51.61%	37.10%
				Transfer
				1.43%
				6.45%