

ENTRY ORDER

SUPREME COURT DOCKET NO. 2006-457

NOVEMBER TERM, 2006

State of Vermont	}	APPEALED FROM:
	}	
	}	
v.	}	District Court of Vermont,
	}	Unit No. 3, Franklin Circuit
David Bussieres	}	
	}	DOCKET NO. 1155-10-06

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

Defendant appeals an order of the Franklin District Court denying his request to reduce bail imposed at \$5,000 as a condition of his release. Defendant argues that his bail is excessive.

Defendant is charged with two misdemeanorsCone for unlawful mischief contrary to 13 V.S.A. ' 3701(b) and one for setting fires contrary to 13 V.S.A. ' 508. Defendant was arrested on October 21, 2006 after he was discovered setting a fire in a shed. Defendant is a Canadian citizen without a United States address. When arrested, defendant told the police that he started the fire to keep warm. The State estimates that the damage to the shed is over \$500.

Defendant claims, and the State does not contest, that he has no criminal record. U.S. Board Patrol Agents took custody of defendant at the time of his arrest and returned him to the State after defendant was identified and immigration forms were processed. Defendant asserts that his current bail of \$5000 is tantamount to holding him without bail due to his indigent status.

In light of the nature of these misdemeanor charges and the underlying evidence, as well as defendant=s lack of any criminal record and his limited financial resources, the Court finds defendant=s bail to be excessive. 13 V.S.A. ' 7554(a), (c). Accordingly, bail is reduced to \$250.

FOR THE COURT:

John A. Dooley, Associate Justice