

ENTRY ORDER

SUPREME COURT DOCKET NO. 2003-353

JANUARY TERM, 2003

| | |
|-------------------|---|
| | } APPEALED FROM: |
| | } |
| | } District Court of Vermont, Unit No. 2, Franklin Circuit |
| State of Vermont | } |
| | } |
| v. | } DOCKET NO. 1951-12-02 Frctr |
| | } |
| Stephen Desautels | } |
| | } |
| | } |
| | } |

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

Defendant appeals a Franklin County District Court order denying bail after his November 21, 2003 conviction on two counts of sexual assault (13 V.S.A. ' 3252(a)(1)) and one count of second degree domestic assault (13 V.S.A. ' 1044(a) (2)). Pursuant to 13 V.S.A. ' 7574, a telephonic hearing on the record was conducted by the undersigned on January 9, 2003 with counsel for both parties present.

Post-conviction bail appeals are governed by 13 V.S.A. ' 7574 which provides that A [a]ny denial of or change in the terms of release shall be reviewable in the manner provided in sections 7554 and 7556 of this title for pretrial release. Under 13 V.S.A. ' 7556(b), our review of the Franklin County District Court ruling is limited, and we must affirm the decision if it is supported by the proceedings below.

Given that sufficient evidence was presented at trial to result in a conviction for three violent felonies, I cannot find that the trial judge=s ruling was not supported by the proceedings. The Franklin County District Court order denying defendant bail is affirmed.

FOR THE COURT:

Marilyn S. Skoglund, Associate Justice