

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 02-398

SEPTEMBER TERM, 2002

	} APPEALED FROM:
	}
	} District Court of Vermont, Unit No. 1. Windham Circuit
State of Vermont	}
	}
v.	} DOCKET NO. 1151-8-02 Wmcr
	}
Shane M. Kelcey	}
	}
	}
	}

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

Defendant Shane Kelcey appeals the district court's decision to hold him without bail under 13 V.S.A. § 7553a pending trial on charges of aggravated assault, attempting to elude a police officer, simple assault on a police officer, unlawful mischief, and grossly negligent operation of a motor vehicle.

As dictated by the legislature, each defendant held without bail prior to trial, with the exception of those facing charges punishable by death or life imprisonment, is entitled to have their trial commence within sixty days of the decision to deny bail. 13 V.S.A. § 7553b(a). In the absence of such timely commencement of the trial, the defendant is entitled to an immediate bail hearing. 13 V.S.A. § 7553b(b). Defendant was originally arrested on August 19, 2002. At that point, the court decided to hold the defendant without bail. Currently, depositions are not scheduled to be completed until October 18. It appearing unlikely that a trial in this matter will be held within sixty days, and in light of the fact that there is no apparent prior history of violence, the order holding Shane Kelsey without bail is reversed and the case is remanded for the district court to set conditions of release.

FOR THE COURT:

---

James L. Morse, Associate Justice