

**SUPERIOR COURT**  
**Unit**

**STATE OF VERMONT**

**CRIMINAL DIVISION**

**Case No.** \_\_\_\_\_

<b>STATE OF VERMONT</b>	<b>v.</b>	Defendant	Defendant's DOB
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**DEFERRED SENTENCE and PROBATION ORDER**

For the following Offense(s): \_\_\_\_\_ Case No. \_\_\_\_\_  
\_\_\_\_\_ Case No. \_\_\_\_\_  
\_\_\_\_\_ Case No. \_\_\_\_\_  
\_\_\_\_\_ Case No. \_\_\_\_\_

**DEFERRED SENTENCE BY AGREEMENT**

Pursuant to 13 V.S.A. § 7041(a), the State's Attorney and Defendant hereby agree to defer sentencing as set forth in this document and acknowledge this written agreement by signing below.

A presentence investigation is ☐ waived by the parties ☐ on file in this case

**DEFERRED SENTENCE WITHOUT AGREEMENT**

Pursuant to 13 V.S.A. § 7041(b), the Court makes the following findings of fact:

1. The offense that is the subject of the deferred sentence is not a listed crime under 13 V.S.A. § 5301(7);
2. The victim has been afforded the opportunity to submit a written or oral statement regarding a deferred sentence in this case;
3. The court has reviewed any presentence investigation report and victim impact statement with the parties;
4. A deferred sentence is in the interest of justice.

**TERMS OF DEFERRED SENTENCE**

1. Term of deferred sentence: \_\_\_\_\_ years \_\_\_\_\_ months
2. During the period that this sentence is deferred, the Defendant shall abide by the attached Conditions of Probation and the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ALL APPLICABLE conditions are set forth on the attached probation warrant.**

Based on the foregoing, a Deferred Sentence is ORDERED pursuant to 13 V.S.A. §7041. The defendant is placed on probation in the care and custody of the Commissioner of Corrections until the expiration of the Deferred Agreement Order.

Date \_\_\_\_\_

\_\_\_\_\_  
Superior Court Judge

Defendant acknowledges receipt of this Order, and it is understood by the Defendant and the undersigned that:

1. if Defendant violates the conditions of the deferred sentence, the Court shall impose sentence.
2. if Defendant fulfills the terms of probation and this agreement, the Court shall strike the adjudication of guilty and discharge the defendant. Upon discharge, the record of the criminal proceedings shall be expunged.

Date \_\_\_\_\_ Signature: \_\_\_\_\_  
Defendant Defendant's Attorney State's Attorney

## STANDARD CONDITIONS OF PROBATION

The execution of the sentence is suspended and the defendant is placed on probation in the care and custody of the Commissioner of Corrections for the term(s) as shown above under the following conditions:

- A. You shall not be convicted of another crime or engage in criminal behavior.
- B. You shall give your probation officer your home address, mailing address, telephone number, and email address. If any of those change, you must notify your probation officer within 24 hours.
- C. You shall notify your probation officer within 72 hours if you are arrested or given a citation.
- D. You must meet with your probation officer at reasonable times as directed by a judge or your probation officer. Upon request, you must allow your probation officer to visit you at reasonable times wherever you are staying.
- E. Your probation officer may restrict or prohibit travel to any state as required by the Interstate Compact For Adult Offender Supervision.
- F. You shall provide your probation officer with the location of your job and employment status. If you change or lose your job, you must notify your probation officer within 72 hours.

## SPECIAL CONDITIONS OF PROBATION

- 1. You shall not purchase, possess or consume any alcohol unless the use is authorized by a licensed substance abuse counsellor, in writing, as part of substance abuse treatment, and the authorization is provided to your probation officer prior to use.
- 2. You shall not drink alcoholic beverages to the extent they interfere with your employment or the welfare of your family, yourself or any other person.
- 3. You shall not purchase, possess or consume any alcohol.
- 4. You shall not purchase, possess or use any regulated drug without a valid prescription. If you have a prescription, you must take your medications only in the dosage and manner prescribed.
- 5. You shall keep your probation officer advised of all current prescriptions and sign and maintain current waivers or releases to your providers to allow verification of your prescriptions.
- 6. You shall submit to breath-alcohol testing upon request of your probation officer or designee.
- 7. You shall submit to urinalysis testing for ☐ drugs and/or ☐ alcohol upon request of your probation officer or designee.
- 8. You shall not operate a motor vehicle with any alcohol in your system.
- 9. You shall not operate a motor vehicle within \_\_\_\_\_ hours of consuming alcohol.

10. You shall submit to a warrantless search of your person, belongings, residence or vehicle if your probation officer has a reasonable suspicion that you possess ☐ alcohol ☐ drugs or contraband in violation of these conditions.
11. You shall comply with the requirements of electronic monitoring (e.g. GPS or SCRAM), as directed by your probation officer.
12. Your probation officer may prohibit you from residing or associating with individuals reasonably suspected of consuming or selling illicit regulated substances.
13. You must have a screening for the issues that are marked below. You must complete the screening by the date established by your probation officer. If the screening recommends that counseling or treatment is needed, including residential treatment, you must complete the counseling or treatment as directed by your probation officer. You must attend and comply with the counseling or treatment requirements and satisfy those requirements.
- (a) Alcohol
  - (b) Substance Abuse
  - (c) Mental Health
  - (d) Anger Management
  - (e) Domestic Violence (Batterer's intervention or approved equivalent)
  - (f) Risk Reduction Programming
  - (g) \_\_\_\_\_
14. You must sign any required waivers or releases and allow any treatment or counseling provider to tell your probation officer and the Court about your attendance and participation in the counseling or treatment, and about the results of any testing or urinalyses taken by you in connection with the counseling or treatment ordered by the Court.
15. You must complete an approved safe driving program as directed by your probation officer and pay any associated costs.
16. You shall not operate a motor vehicle on a public highway without a valid license.
17. You shall not operate a motor vehicle on a public highway.
18. You shall actively work towards reinstatement of your operator's license.
19. You shall attend and complete the next available session of the Impaired Driver Rehabilitation Program or a similar program.
20. You shall not have contact with \_\_\_\_\_, which includes all forms of written, oral, electronic, social media, or other direct contact and all forms of indirect contact through third parties, except \_\_\_\_\_.
21. Your probation officer may limit or prohibit contact with \_\_\_\_\_ during the term of probation based upon the person's request.

22. You shall not abuse or harass \_\_\_\_\_. Such conduct includes actions directed at a specific person, or a member of the person's family that would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury or death, including but not limited to verbal threats, written, telephonic or other electronically communicated threats, vandalism, or physical contact without consent. It also includes multiple attempts to communicate with the person after the person has informed the probationer that such contact is not welcome.
23. You shall not engage in violent or threatening behavior. Violent behavior includes physical contact with another without consent, unlawful restraint of another, or physical contact by mutual affray. Threatening behavior is conduct that would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.
24. You must abide by a curfew as directed by your probation officer.
25. Your probation officer may impose reasonable restrictions on the location of your residence.
26. Your probation officer may restrict those with whom you associate.
27. You shall not buy, have or use any firearms, muzzleloaders or other deadly weapons, regardless of whether they are operational or loaded. Other deadly weapons include any other weapon, device, instrument, material or substance, whether animate or inanimate, that, in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury.
28. You must complete \_\_\_\_\_ hours of community service at the direction and to the satisfaction of your probation officer.
29. If restitution is ordered, you must cooperate fully with the Restitution Unit.
30. You shall maintain employment, actively pursue employment, or actively pursue a course of study or vocational training that will equip you for suitable employment.
31. You shall attend and participate in Restorative Justice programming and complete the program within \_\_\_\_\_ month(s).