VERMONT SUPREME COURT
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Case No. 25-AP-197

Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

JUNE TERM, 2026

State of Vermont v. William Jarvis, II* } APPEALED FROM:
} Superior Court, Lamoille Unit,
} Criminal Division
} CASE NO. 23-CR-08360
Trial Judge: Mary L. Morrissey

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

Defendant was convicted of domestic assault following a jury trial. He argues on appeal that the court erred in denying his motion for judgment of acquittal. He also challenges a probation condition that he "comply with the requirements of electronic monitoring (e.g. GPS or SCRAM), as directed by your probation officer." We affirm.

I. Procedural History

Defendant was charged with second-degree aggravated domestic assault in August 2023. The State alleged that he attempted to cause bodily injury to a family or household member and that he had a prior conviction for domestic assault. A jury trial was held in February 2025, and the State presented the following evidence. Defendant, his sister Alana, and Alana's fourteen-year-old daughter A.M., worked at a theater in Morrisville. In late August 2023, Alana and A.M. went to the theater to pick up A.M.'s paycheck. While they were in the lobby, defendant asked A.M about her relationship with one of her friends. A.M. tried to respond that everything was fine. Defendant said that he didn't "like what [he'd] been hearing about [A.M.]" and told A.M. she was "a whore just like [her] mother." Alana told defendant not to speak to A.M. that way. Alana and A.M. left the theater and defendant followed them. Defendant continued to "run[] his mouth" and Alana told defendant he was "dead to [her]."

Alana went to her car and called her mother. Alana was "hysterically crying," "hyperventilating," and "freaking out." Alana was in the front seat with her seat belt buckled; A.M. was in the passenger seat. Alana put her mother on speakerphone. "All of a sudden," the "driver's side door fl[ew] open," and defendant was standing there. Alana testified that she couldn't remember if defendant first shook her by the shoulders or pulled her seat belt. She described defendant leaning over her shaking her shoulders as she sat in the driver's seat. Alana and A.M. were screaming. Alana screamed to her mother on the phone that defendant was

hurting her. Alana testified that "the seat belt ended up going up to my neck." She demonstrated how defendant was holding his hands, explaining that he had his hands on either side of her neck, holding the seat belt. The belt was under her chin and against her throat. Defendant was holding it in place and Alana felt pressure against her throat. Alana leaned to the side and tried to reach into the backseat to grab a gun in her purse. As she was pushing with her left leg, she told defendant that she had a gun and would "pull it." Alana unbuckled the seat belt and kicked defendant away from her. She was screaming at defendant to leave them alone. Defendant told Alana she should have died like other individuals they knew. Alana could not remember if she felt pain and she did not recall having red marks on her neck. She was scared when the seat belt was being held against her throat.

A.M. testified to a similar sequence of events. She recounted that defendant asked her about her relationship with a friend, cut her off when she began to reply, and started yelling. Defendant called her "a whore just like [her] mother." Alana yelled at defendant and A.M. tugged at her mother to leave. Defendant followed them out of the building and Alana and defendant continued to exchange words. Alana called her mother; Alana was crying and hyperventilating. A.M. and Alana were in the car with their seat belts buckled when A.M. saw defendant approaching the car. Before A.M. could say anything, defendant had opened the driver's side door. There was more screaming, and at one point, defendant had his hands on Alana's shoulders and Alana was screaming to her mother on the phone, "help, he's hurting me, Mom, he's hurting me." The grandmother told A.M. to call the police. Defendant then took up the seat belt and was "choking [Alana] with it." A.M. described defendant pulling out the seat belt where it was attached to the car and also grabbing the shoulder strap. His hands were at least a foot-and-a-half apart, he had the seat belt wrapped once around his hands, and he put it on Alana's throat. Alana said "[g]et off of me." Defendant then let go and they screamed at one another one last time. Defendant went back to the theater. Alana was crying and hyperventilating even more. Alana had the car door open and was facing out "to try and breathe." A.M. observed "a lot of redness" on her mother's throat. The police then arrived.

A responding police officer testified that police received a report that a man strangled a woman and arrived at the theater shortly thereafter. The officer saw A.M., who was upset and had been crying. The officer then spoke with Alana who was seated in the car. Alana was upset, crying, hyperventilating, and appeared distraught. The officer also spoke with defendant who denied choking Alana.

A bystander who called 911 that day also testified. She heard a commotion and a woman screaming frantically. She could see the man in the doorway of the car while the woman was sitting in the car, and she heard yelling. She saw the man go back into the theater; he was upset and hollering. Another bystander testified that she heard yelling. She knew the parties and saw defendant exiting the theater yelling at Alana. Defendant followed Alana to her car and was screaming at her while she sat in the driver's seat. The car door was open, but the witness could not see into the car.

Another responding officer testified as well. He similarly described Alana as very distraught. The officer briefly spoke with defendant. The officer's body camera recorded defendant's conversation with another officer. A clip of the video was played for the jury.

Defendant moved for a judgment of acquittal at the close of the State's case. He argued in relevant part that the State failed to prove that he acted with intent to inflict bodily injury on Alana. The court denied his motion. Taking the evidence in the light most favorable to the State

and excluding modifying evidence, the court concluded that the State introduced evidence that fairly and reasonably tended to establish defendant's guilt beyond a reasonable doubt. The court noted that many of the facts were undisputed, including that there was a verbal altercation that began inside the theater and continued outside. Alana testified that defendant was pushing on her shoulders and she also testified to the seatbelt incident. There was evidence that defendant wrapped the seat belt around his hands and put it up to her throat and that she felt pressure on her throat when that occurred. Defendant was charged with an attempt, and the State did not need to show actual injury. See State v. Synnott, 2005 VT 19, ¶ 22, 178 Vt. 66 ("An attempt requires intent to commit a particular crime and an overt act designed to carry out that intent." (quotation omitted)). If the jury believed A.M.'s statement that defendant wrapped the seatbelt around his hands, put it to Alana's throat and tried to choke her with it, the evidence would support a finding that defendant committed domestic assault. The court thus denied defendant's motion. Defendant did not present any evidence. The jury convicted defendant of domestic assault.

Defendant waived his right to a jury trial on whether he was previously convicted of domestic assault. The State introduced information that defendant had a prior second-degree aggravated domestic assault conviction, which it argued implicitly required a domestic assault conviction. The court concluded that the State was required, and failed, to present a prior domestic-assault conviction. It thus found defendant not guilty of second-degree aggravated domestic assault but left in place defendant's misdemeanor conviction for domestic assault.

The court held a sentencing hearing in May 2025. As discussed in greater detail below, it sentenced defendant to twelve-to-eighteen months, all suspended but 160 days, with two years of probation. The court imposed various probation conditions, including that defendant "shall comply with the requirements of electronic monitoring (e.g. GPS or SCRAM), as directed by your probation officer." The court recounted defendant's repeated failures to appear, including for the jury trial, as well as his lengthy criminal history that included numerous assaults as well as other convictions. The court considered this condition "reasonably related to the no-contact condition with Alana and [A.M.], but also to the condition that [he] must report as directed to probation." It emphasized defendant's history of failing to report to court and appeared to explain that this condition would allow probation to locate defendant if he had trouble complying with the terms of his probation. Defendant appeals.

II. Arguments on Appeal

Defendant first challenges the trial court's denial of his motion for judgment of acquittal. He reiterates his assertion that the State failed to prove that he acted with the intent to cause Alana bodily injury. According to defendant, Alana did not testify that he pressed or pushed the seat belt against her neck but instead stated that the seat belt "ended up" at her neck and that she felt pressure on her neck from the seatbelt. Defendant acknowledges her testimony that defendant had both hands on the seat belt on either side of her neck and held the seat belt in place, but notes that she did not describe difficulty breathing, speaking, or pain. Defendant also acknowledges A.M.'s testimony that defendant choked Alana and her description of his behavior with the seat belt, but he cites his own statement to the responding officer on the day of the incident that he did not choke Alana.

In reviewing the denial of a motion for judgment of acquittal, we apply the same standard as the trial court. State v. Davis, 2018 VT 33, ¶ 14, 207 Vt. 346. We "view the evidence in the light most favorable to the State, excluding any modifying evidence, and determine whether [the evidence] is sufficient to fairly and reasonably convince a trier of fact that the defendant is guilty

beyond a reasonable doubt." Id. (quotation omitted). The jury is entitled to assess the credibility of witnesses and weigh the evidence, and thus "courts should grant a judgment of acquittal only when there is no evidence to support a guilty verdict." Id. (quotation omitted).

The evidence supports the jury's verdict here. To establish defendant's guilt of domestic assault, the State needed to show in relevant part that he "attempt[ed] to cause . . . bodily injury to a family . . . member." 13 V.S.A. § 1042. The State presented evidence from both Alana and A.M. to show that defendant wrapped the seat belt around his hands and pressed it up against Alana's neck. Both Alana and A.M. demonstrated how defendant was holding the seat belt on her throat. Defendant held the seat belt in place on Alana's neck, and she felt pressure from defendant's actions. A.M. testified that defendant choked Alana with the seat belt and that Alana cried out that he was hurting her. As the trial court explained, the State did not need to prove that defendant actually caused Alana bodily injury, only that he attempted to do so. Defendant's reliance on his own disavowal of choking Alana is unpersuasive given our standard of review. See Davis, 2018 VT 33, ¶ 14; see also State v. Bishop, 128 Vt. 221, 228 (1969) ("It is well recognized in this State that the jury, being the trier of facts, is the sole judge of the credibility of witnesses and of the weight of their testimony," and "[w]here there is some evidence tending to support the verdict, its construction and weight is for the jury"). The court did not err in denying defendant's motion for judgment of acquittal.

We thus turn to the court's sentencing decision, and specifically its imposition of a probation condition that requires defendant to "comply with the requirements of electronic monitoring (e.g. GPS or SCRAM), as directed by [his] probation officer." The record with respect to sentencing includes the following. Alana provided a victim impact statement describing the anxiety A.M. faced following this incident. A.M. was scared walking around town and afraid that defendant was "going to get out and come back." Alana indicated that she was also afraid. The State recounted defendant's lengthy criminal history, which included multiple assault and domestic-assault convictions and other convictions, beginning as early as 2005. Defendant's probation had been revoked in two prior assault cases. Defendant was also facing a pending felony unlawful trespass charge related to his former girlfriend.

The State sought a higher level of supervision for defendant given his prior unsuccessful probationary sentences, and argued that defendant needed to engage in domestic-violence programming. The State also referenced defendant's repeated failure to appear during these criminal proceedings, which required the court to impose a significant amount of bail just before trial. The State explained that defendant failed to appear in August 2023, October 2024, December 2024, and on the morning of trial in January 2025. He was late to court proceedings in December 2024, and twice in early January 2025. The State expressed concerned that if defendant was given a split-to-serve sentence, he would not show up for probation and that he wouldn't engage in programming. It was also very concerned about the risk that defendant posed to the community and to himself if he was released. As noted above, defendant had additional pending cases, one of which was a criminal charge he incurred pending the trial in this case. The State asked for a sentence of four-to-eighteen months to serve.

Defendant sought a probationary sentence of four-to-eighteen months, all suspended but the 104 days that he had already spent in jail. Alternatively, he sought a sentence of four months or four months and a day.

The State proposed various probation conditions, some of which defendant opposed, including the electronic monitoring provision. The court questioned if this condition simply

related to defendant's repeated past failures to appear in court. Defendant responded that there needed to be a point to imposing GPS monitoring, such as ensuring his compliance with a curfew and he maintained that the facts did not warrant a curfew here. Defendant also agreed that GPS monitoring would be appropriate if he was going near Alana and A.M.'s residence, but asserted that "[o]therwise there's not really a point that's been laid out as to what that would do."

The court sentenced defendant to twelve-to-eighteen months, all suspended but 160 days, with two years of probation. The court considered this a serious offense, in part because it occurred in front of a child, and determined it required a punitive response. It found that defendant continued to resort to violence in response to stressful situations. Defendant had an extensive criminal history, and he did not have a strong history of complying with expectations in terms of supervision. The court had had a very hard time getting defendant to appear in these proceedings. Defendant was currently incarcerated because he failed to appear for his jury trial after the jury had been selected. It was not clear if defendant would have housing or employment when he was released. The court expressed concern, given defendant's history of failing to appear, whether he would meet with his probation officer and otherwise comply with his conditions of probation. It imposed various conditions of probation, including the GPS condition referenced above. It considered the GPS condition reasonably related to the condition prohibiting contact with Alana and A.M. and also to the requirement that he must report as directed to probation. The court reiterated that defendant repeatedly failed to report to court as ordered and noted that the condition would give probation the ability to require electronic monitoring if defendant had trouble complying with his probation conditions.

Defendant argues on appeal that the court erred in requiring the GPS monitoring provision because it is not " 'reasonably related to the crime for which [he] was convicted,' " State v. Lumumba, 2018 VT 40, ¶ 20, 207 Vt. 254 (quoting State v. Putnam, 2015 VT 113, ¶ 36, 200 Vt. 257). He maintains that there was no basis for imposing this condition and that it cannot be imposed "solely to force compliance with other conditions of probation."

The trial court has "broad discretion in fashioning a sentence," including imposing probation conditions. Putnam, 2015 VT 113, ¶ 28. "[A] court may impose conditions that the court 'in its discretion deems reasonably necessary to ensure that the offender will lead a law-abiding life or to assist the offender to do so.' " State v. Nash, 2019 VT 73, ¶ 21, 211 Vt. 160 (quoting 28 V.S.A. § 252(a)). "This standard requires that the condition 'be reasonably related to a defendant's particular characteristics, including the crime for which the defendant was convicted.' " Id. (quoting Putnam, 2015 VT 113, ¶ 38). The court is not required "to make specific findings regarding each condition," and we "have looked to whether the record supports the court's exercise of its discretion." Putnam, 2015 VT 113, ¶ 45. On review, we "will uphold the conditions as long as there is a reasonable basis for the court's action." Id. ¶ 44 (quotation omitted). The party challenging the condition "must show that the court failed to exercise its discretion or did so for reasons clearly untenable or to an extent clearly unreasonable." Id. (quotation omitted).

Defendant reads Lumumba and Putnam too narrowly. As the trial court recognized here, "probation conditions must be reasonably related to the crime for which an offender was convicted." Id. ¶ 36. Conditions related to the supervision of a defendant, however, can satisfy this requirement.

In Putnam, we upheld various conditions that "relate to the supervision of [the] defendant by his probation officer," including notifying the probation officer of any "arrest or citation for a

new offense," "meet[ing] with his probation officer when asked," informing the probation officer about any change in address or change in employment, and "allow[ing] his probation officer to visit him wherever he is staying upon request." Id. ¶ 47. We rejected the arguments that these conditions were "not related" to the crime for which defendant was convicted and that they would "not curtail future criminality." Id. ¶¶ 47-48. We recognized that "[t]o properly supervise [a] defendant, his probation officer must . . . meet with [the] defendant regularly, and know [the] defendant's current address and employment." Id. ¶ 48 (citing United States v. Smith, 982 F.2d 757, 764 (2d Cir. 1992) (concluding that requiring probationer to meet regularly with probation officer was "basic administrative requirement essential to the functioning" of probation system and within court's discretion) (additional citation omitted)). We held that "[t]he trial court could reasonably conclude that [the] defendant's probation officer need[ed] to know where [the] defendant is living and working to understand defendant's environment, to visit with [the] defendant, and to identify any impediments to successful rehabilitation." Id. It followed that "all of these conditions reasonably relate to aiding [the] defendant in leading a law-abiding life in light of the crime for which he was convicted, and were within the court's discretion." Id. We added that "[i]mposition of substantially similar conditions relating to the administration of probation would be within the trial court's discretion in any case in which probation is ordered." Id.

We reach a similar conclusion here. The trial court considered defendant's particular circumstances in imposing this condition. It found that defendant had a history of failing to appear, including for the jury trial. His probation had been revoked several times before, he had a lengthy criminal history, his housing and employment were not yet established, he continued to struggle with acting out violently in stressful situations, and A.M. and Alana were afraid that he would violate the no-contact probation condition. Under these circumstances, it was reasonable for the court to impose a condition to effectuate the probation officer's ability to properly supervise defendant and to order defendant to "comply with the requirements of electronic monitoring (e.g. GPS or SCRAM), as directed by your probation officer." As in Putnam, we consider this condition "directly relate[d] to the supervision of defendant by his probation officer to assist defendant in leading a law-abiding life." Id. The court did not abuse its discretion here.

Affirmed.

BY THE COURT:

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Nancy J. Waples, Associate Justice

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Christina E. Nolan, Associate Justice

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Michael P. Drescher, Associate Justice