

ENTRY ORDER

SUPREME COURT DOCKET NO. 25-AP-045

FEBRUARY TERM, 2025

State of Vermont v. Kenneth McCracken*	}	APPEALED FROM:
	}	
	}	Superior Court, Washington Unit,
	}	Criminal Division
	}	
	}	DOCKET NO. 25-CR-01005

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

Defendant Kenneth McCracken’s bail appeal is dismissed as premature. The State moved to hold defendant without bail pursuant to 13 V.S.A. § 7753a, and the trial court ordered defendant held pending further proceedings. See State v. Bickel, 166 Vt. 633, 633 (1997) (mem.) (holding trial court may order defendant held without bail pursuant to 13 V.S.A. § 7553a pending evidentiary hearing “if, at arraignment, the court finds probable cause to believe a qualifying offense was committed and defendant committed it”). The court has not yet scheduled a weight-of-the-evidence hearing or made a final determination as to whether defendant will be held without bail. Therefore, there is no bail order yet and the appeal is premature. Although a defendant may be held pending a weight-of-the-evidence hearing, such hearing should be scheduled promptly. Therefore, the criminal division is instructed to schedule a weight-of-the-evidence hearing as soon as possible.

Dismissed.

FOR THE COURT:

Paul L. Reiber, Chief Justice