

VERMONT SUPREME COURT
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Case No. 25-AP-449

Note: In the case title, an asterisk () indicates an appellant and a double asterisk (**) indicates a cross-appellant.*

ENTRY ORDER

JANUARY TERM, 2026

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|---------------------------------------|---|-------------------------------|
| State of Vermont v. Timothy Souliere* | } | APPEALED FROM: |
| | } | Superior Court, Orleans Unit, |
| | } | Criminal Division |
| | } | CASE NO. 25-CR-09036 |
| | | Trial Judge: Rory T. Thibault |

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

Defendant Timothy Souliere appeals the trial court’s denial of his motion to reduce bail pending trial. In August 2025, defendant was arraigned on the charge of stalking in violation of 13 V.S.A. § 1062. The trial court imposed a condition that defendant post bail in the amount of \$5000 cash or surety. Defendant was unable to make bail in that amount and filed a motion for review of the condition, which the trial court denied. Defendant now appeals to this Court. See 13 V.S.A. § 7556(b) (providing “when conditions of release have been imposed . . . an appeal may be taken to a single Justice of the Supreme Court”).

At the hearing the trial court recited the State’s allegations of the following facts. The complainant is familiar with defendant because he was a patient whom she had worked with in the past; defendant asked the complainant her name, and in June 2025, he followed her from her place of employment to her home over her lunch break. After this incident, there were two other instances where defendant drove past the complainant’s house at slow speeds. During one of these instances, defendant made contact with or gestured towards someone in the yard of complainant’s home, where he winked and was acting “creepy.”

At his arraignment, defendant requested the trial court not impose monetary bail because he could not pay it. Alternatively, defendant proposed that the trial court impose more stringent conditions of release to ensure his appearance and the public’s safety. In response to the court’s inquiry, defendant indicated that he lacked a stable address.

The court imposed conditions, including a \$5000 bail cash or surety. The court noted that defendant had other pending charges, including failing to register as a sex offender and that this was the second time defendant was allegedly “engaging in highly concerning behavior involving younger women.” Although the court indicated that a curfew could be feasible, the court found this was not an option given defendant’s lack of a stable address. The court found there was a risk of flight given defendant’s recent nonappearance in another docket, his multiple other pending charges, and his lack of a stable address. The trial court separately noted that an address for curfew purposes would be “imperative” to protect the public.

In early October 2025, defendant filed a motion for bail reduction and release pending trial. Defendant argued the amount of bail was excessive because he did not have the ability to pay. Later in October, at a hearing on the motion, defendant again asserted he could not pay the bail amount. The trial court deferred its decision and scheduled another hearing for November 2025.

At the November hearing, the trial court noted that there were no material changes in circumstances since it had originally imposed bail in defendant’s stalking docket. It recited defendant’s previous convictions, which included two felony convictions and five misdemeanor convictions. The trial court highlighted that one of these convictions was for defendant’s failure to register as a sex offender. It noted that defendant had been charged a second time for failure to register as a sex offender in February 2025 and released on conditions. The court added that defendant failed to appear in August 2025 for a second charge of driving under the influence. Defendant claimed his nonappearance in August 2025 was because he was not notified to appear. But as the court noted, defendant had signed the citation which provided him with his hearing date and it was not court staff’s responsibility to inform defendant when he did or did not have to appear at court.

The trial court calculated that defendant faced over eight years in jail across all his pending dockets, and the circumstances had not changed sufficiently to alter its prior conclusion that defendant presented a risk of flight. The trial court determined that the totality of the circumstances did not warrant modifying the bail amount. It denied defendant’s motion based on its findings. Defendant appeals.

We review a trial court’s bail determination for an abuse of discretion and will reverse only if it is not “supported by the proceedings below.” 13 V.S.A. § 7556(b); State v. Pratt, 2017 VT 9, ¶ 20, 204 Vt. 282 (“We review the trial court’s bail decision for abuse of discretion.”).

On appeal, defendant argues that the trial court failed to consider his financial means when it set the bail amount. See 13 V.S.A. § 7554 (requiring judicial officer to consider defendant’s financial means when formulating least restrictive combination of conditions to mitigate risk of flight). Defendant reasserts he is unable to pay the bail amount.

The trial court considered the § 7554(a)(1) factors in determining whether defendant presented a risk of flight, which include “the seriousness of the offense charged; the number of offenses with which the person is charged; whether, at the time of the current offense or arrest, the defendant was released on conditions . . . ; and whether . . . defendant . . . has failed to appear at a court hearing.” Id. § 7554(a)(1). The trial court noted the seriousness of defendant’s

stalking charge and defendant's other charges spanning multiple dockets. It further noted defendant was released on conditions twice before and had failed to appear in August 2025. The trial court cited defendant's lack of stable housing as a contributing factor in denying defendant's motion.

The record supports the trial court's determination that defendant presented a flight risk. The court properly considered whether other conditions could mitigate the risk and acted within its discretion to conclude that his appearance could not reasonably be guaranteed by any set of conditions that did not include a financial investment in his future appearances. The trial court did not abuse its discretion by imposing monetary bail.

Defendant's argument that he is unable to afford the bail amount fails. Although the trial court must consider a defendant's financial means, this does not mean a trial court must find a defendant can pay the bail amount. The trial court "may impose a bail requirement even when the defendant is indigent, as long as the bail decision is supported by findings that show the defendant presents a risk of nonappearance and that the conditions are the least restrictive means of assuring the defendant's appearance." *Pratt*, 2017 VT 9, ¶ 18. Bail is excessive if it is set at a higher amount than what is required to give adequate assurance that a defendant will submit to the judicial process. *Id.* ¶ 15. Here, the trial court's bail decision is supported by the record which demonstrates that defendant presents a risk of nonappearance, and the amount is not excessive in light of concerns regarding this risk.

Affirmed.

FOR THE COURT:

Paul L. Reiber, Chief Justice