

ENTRY ORDER

2026 VT 49

SUPREME COURT DOCKET NO. 26-AP-346

OCTOBER TERM, 2026

State of Vermont	}	APPEALED FROM:
	}	
	}	
v.	}	Superior Court, Windsor Unit,
	}	Criminal Division
	}	
Ryan Sartwell	}	DOCKET NO. 23-CR-06517

Trial Judge: Elizabeth D. Mann

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

¶ 1. Defendant appeals the criminal division’s order denying his motion to vacate the hold-without-bail order issued under 13 V.S.A. § 7553 and establish conditions of release. He argues the trial court abused its discretion by failing to adequately consider his desired placement in a treatment facility. We conclude there was no abuse of discretion and therefore affirm.

¶ 2. The record reveals the following. Defendant is charged with three felonies and five misdemeanors arising out of his alleged conduct on July 7, 2023. The State notified defendant that it intended to enhance the felony charges under the habitual-offender statute, meaning that each felony charge is potentially punishable by life imprisonment because of defendant’s prior convictions. See 13 V.S.A. § 11.

¶ 3. At arraignment on July 12, 2023, the trial court granted the State’s initial request to hold defendant without bail pursuant to 13 V.S.A. § 7553. In October 2023, law enforcement erroneously released defendant despite the hold-without-bail order. The court issued an arrest warrant for defendant; he was arrested on unrelated charges on October 14, 2024, and remains in custody.

¶ 4. Section 7553 permits the court to hold a defendant without bail when the defendant is “charged with an offense punishable by life imprisonment” and “the evidence of guilt is great.” If these requirements are met, a “presumption against release arises, and the burden shifts to the defendant to present evidence that persuades the court to set bail or conditions of release.” State v. Violet, 2021 VT 62, ¶ 3, 215 Vt. 648, 261 A.3d 642 (mem.). “The trial court then must exercise its discretion in determining whether or not to impose bail and conditions of release.” State v. Avgoustov, 2006 VT 90, ¶ 2, 180 Vt. 595, 907 A.2d 1185 (mem.). In doing so, it may look to the factors listed in 13 V.S.A. § 7554(b). State v. Ford, 2015 VT 127, ¶ 10, 200 Vt. 650, 130 A.3d 862 (mem.).

¶ 5. The court held a weight-of-the-evidence hearing in January 2025. It concluded that the evidence of defendant’s guilt was great and a review of the factors set forth in 13 V.S.A. § 7554 supported continuing the hold-without-bail order. That decision was affirmed by this Court in State v. Sartwell, 2025 VT 13, 220 Vt. 639, 336 A.3d 313 (mem.).

¶ 6. In May 2026, defendant moved to vacate the hold-without-bail order because his “emotional state ha[d] significantly normalized, and he ha[d] achieved a baseline of stability and clarity.” In August 2026, defendant renewed his motion, arguing that there had been a further change in circumstances because he had been accepted into a recovery program with a supervised sober-living residence. Defendant sought to be released on conditions to GH Recovery Solutions in Nashua, New Hampshire, asserting this placement was “a structured clinical setting with continuous supervision.” Defendant did not challenge the court’s prior determination that he was charged with an offense that is punishable by life imprisonment or that the evidence of his guilt was great. Accordingly, the only question decided by the court was whether it should exercise its discretion to release defendant to the treatment facility.

¶ 7. The court held a hearing on September 1, 2026, at which defendant presented testimony from a nonlicensed and noncertified psychotherapist. Following the hearing, it issued a written decision denying the motion. The court assessed the § 7554 factors and concluded that the proposed conditions of release would not ensure public safety or defendant’s appearance in future court proceedings. The court explained that defendant was charged with eight offenses, including three felonies charged as life offenses, and had an extensive criminal history including two prior failures to appear and two convictions for violating conditions of probation. The court also considered defendant’s failure to participate in court proceedings after he was erroneously released in October 2023, as well as his statements in 2023 indicating that if he was released on bail, he “will be free” and “can run away, basically.”

¶ 8. The court expressly considered defendant’s proposed treatment plan and found that it failed to address defendant’s substantial risk of flight. The court noted that the facility is located 150 miles away in New Hampshire. Although the facility would give notice to Vermont law enforcement if defendant left the program, it was unclear how quickly a departure would be known or how Vermont law enforcement would be notified. The court therefore denied defendant’s motion to strike the hold-without-bail order and release him on conditions. Defendant appealed.

¶ 9. We first address the State’s motion to dismiss this appeal. The State argues this Court lacks jurisdiction to hear defendant’s appeal because he previously appealed the hold-without-bail order. We have recognized that in certain circumstances, however, “the discretion given to courts to determine whether to hold a defendant without bail includes the ‘discretion to grant defendant’s motion to review the order holding him without bail.’ ” State v. Johnson, 2025 VT 11, ¶ 10, 220 Vt. 635, 336 A.3d 307 (mem.) (quoting State v. White, 2020 VT 62, ¶ 11, 212 Vt. 658, 237 A.3d 1235 (mem.)). In turn, the defendant may appeal a decision on such a motion under § 7556(e). See id. ¶ 18 (reviewing decision denying motion to amend hold-without-bail order under § 7556(e) and concluding court did not abuse its discretion); State v. Brown, 2023 VT 61, ¶ 9, 2018 Vt. 639, 311 A.3d 162 (mem.) (holding court acted within its discretion in continuing hold-without-bail order). While the State is correct that the defendant must demonstrate a substantial change in circumstances to justify consideration, Johnson, 2025 VT 11, ¶ 11, defendant presented a colorable claim here that such a change had occurred, and the trial court acted within its discretion in reviewing the hold-without-bail order.

¶ 10. The State also contends that defendant’s appeal is untimely because it was filed more than seven days after the trial court entered its order. See 13 V.S.A. § 7556(e) (“A person held without bail prior to trial shall be entitled to review of that determination by a panel of three Supreme Court Justices within seven business days after bail is denied.”). The State cites no case in which we have construed the seven-day requirement of § 7556(e) and Chapter II, § 40 of the Vermont Constitution as the time limit for filing an appeal, nor any other authority to support its argument. Accordingly, the motion to dismiss is denied.

¶ 11. We review a trial court’s decision to hold a defendant without bail for abuse of discretion. Ford, 2015 VT 127, ¶ 8. “[T]he touchstones for evaluating whether to release an individual under § 7553 on conditions are the State’s interests in mitigating risk of flight and risk of danger to the public.” State v. Buell, 2025 VT 57, ¶ 11, __ Vt. __, 350 A.3d 341 (mem.) (quotation omitted). “If a trial court’s decision . . . reasonably serves those interests, it is not arbitrary.” Id. (quotation and alteration omitted).

¶ 12. The trial court acted within its discretion in denying defendant’s motion seeking release on conditions. The court applied the appropriate standard and properly considered the evidence in light of defendant’s burden to persuade the court to release him. Violet, 2021 VT 62, ¶ 10 (explaining that because evidence of guilt was great “it was defendant’s burden to persuade the court to exercise its discretion to release him on bail or conditions”). The court evaluated each of the § 7554 factors but relied primarily on defendant’s prior behavior indicating an unwillingness to appear for court proceedings and the lack of security protocols under the proposed release plan. This was an adequate basis to continue the hold-without-bail order. See State v. Samplatsky, 2026 VT 16, ¶ 9, __ Vt. __, 356 A.3d 1026 (mem.) (affirming hold-without-bail order where court was not “fully convinced” release plan adequately addressed risks to public safety (quotation omitted)).

¶ 13. Defendant argues that the court’s decision should be reversed for several reasons. Defendant first claims that the court erred in characterizing him as “healed” rather than ready for treatment. However, the court used the word “healed” in summarizing defendant’s argument for release; it did not rely on this characterization in its analysis of the § 7554 factors. Defendant further asserts that the court erroneously stated that “no evidence was admitted” about his financial resources, because he presented evidence that he would receive a stipend to cover his sober-living housing after his time in the treatment facility. The court correctly found that no evidence was presented of defendant’s current financial resources. See 13 V.S.A. § 7554(b)(1) (providing for consideration of “financial resources, including the accused’s ability to post bail”). Regardless, the court did not appear to give the financial factor any weight in deciding whether to impose conditions. Defendant has therefore failed to demonstrate how the alleged error prejudiced him.

¶ 14. Defendant also argues that the court unfairly penalized him for lacking employment. The order does not support defendant’s argument, as it is clear that defendant’s lack of employment did not weigh significantly in the court’s decision to deny release. The court’s finding that defendant did not have a plan for employment and instead intended to be in a treatment program for at least four months is supported by the record. See State v. Rondeau, 2017 VT 21, ¶ 13, 204 Vt. 625, 167 A.3d 332 (mem.) (affirming hold-without-bail order where court’s order “shows that its conclusions were properly based on evidence before it”). Defendant has therefore failed to demonstrate that the court’s description of this factor was an abuse of discretion.

¶ 15. Next, defendant argues the court abused its discretion by considering the nature of the charges, including that he was “aggressive and obstructive with law enforcement,” without recognizing the underlying mental-health reasons for that behavior. Defendant’s violent conduct during his arrest—which resulted in charges of resisting arrest and simple assault on a protected professional—was a relevant factor that the court properly weighed in considering whether conditions of release existed that would adequately protect the public. 13 V.S.A. § 7554(b)(1) (directing court to consider “the nature and circumstances of the offenses charged”). Although defendant presented evidence of his mental state at the time of his arrest, the court did not abuse its discretion when it focused on defendant’s conduct rather than his underlying trauma. See State v. Henault, 2017 VT 19, ¶ 8, 204 Vt. 628, 167 A.3d 892 (mem.) (recognizing trial court’s “broad discretion” when applying § 7554(b) factors to defendant not presumed to be bailable). While defendant argues that his treatment plan would mitigate the risk of future similar behavior, the court was evidently not “fully convinced” that this was so. See State v. Blackmer, 160 Vt. 451,

459, 631 A.2d 1134, 1139 (1993) (“When the need for conditions is viewed in light of the possible punishment of life imprisonment, it is entirely appropriate for the court to deny bail unless it is fully convinced that the defendant will abide by the conditions that would be imposed if defendant were released.”); State v. Stroble, 2024 VT 84, ¶ 13, 220 Vt. 632, 328 A.3d 1284 (“It is within the trial court’s discretion to weigh the evidence and assess the credibility of witnesses and we will not disturb these findings unless clearly erroneous.”).

¶ 16. Finally, defendant claims the court abused its discretion by concluding that defendant’s proposed placement at the treatment center would not mitigate his substantial risk of flight. The court adequately explained its concerns about the placement, including the potential for life imprisonment, defendant’s prior failures to appear, and his statements indicating that he would run away if released on bail. The court acknowledged that the facility would give notice of defendant’s flight if required by a court order, but found that it was unclear how quickly staff would know defendant had left the facility or what the process for giving notice would be. The court also pointed to the facility’s location in Nashua, New Hampshire, which would hinder Vermont law enforcement’s ability to react if defendant left the facility. The court’s explanation for its decision is reasonable and is supported by the record. In this case, there was a presumption against release, and defendant did not meet his burden of showing that his proposed release plan would “mitigat[e] risk of flight and risk of danger to the public.” Buell, 2025 VT 57, ¶ 11.

Affirmed.

BY THE COURT:

Harold E. Eaton, Jr., Associate Justice

Nancy J. Waples, Associate Justice

Michael P. Drescher, Associate Justice