

Persons Held Without Bail

- Three constitutional exceptions that permit holding a person without bail:
 - Charged with an offense has a maximum potential sentence of life imprisonment
 - Charged with a violent felony
 - Awaiting sentencing or sentenced pending appeal for any offense
- 13 V.S.A. § 7553 (life imprisonment)
 - Crime charged has a maximum potential sentence of life imprisonment when the evidence of guilt is great
 - Presumption of detention under this statute
 - If evidence is not great, the court maintains discretion to release the defendant pursuant to 13 V.S.A. § 7554.
- 13 V.S.A. § 7553a (violent felony)
 - Crime charged with a (1) felony; (2) an element of which involves an act of violence against another; (3) the evidence of guilt is great; (4) clear and convincing evidence shows that release poses a substantial threat of physical violence to any person; and (5) no condition or combination of conditions will reasonably prevent the physical violence
 - 13 V.S.A. § 7553b requires trial to commence within 60 days after bail is denied under § 7553a
 - If not commenced and the defense does not request a waiver, the court sets a bail hearing