

Good morning,

I am writing in opposition to the nominees for the Vermont Supreme Court that Gov. Scott has presented to your committee. As a Vermont state employee who works for the Office of the Defender General, I was horrified that Mr. Scott nominated the two of them for the following reasons:

1. Michael Drescher's use of the Nuremberg defense to try and justify his actions while acting as head of Vermont's US Attorney's Office is inexcusable. I have no doubt that my colleagues have beaten this dead horse in your mailboxes, but it is worth repeating because of how horrific it is. As we have seen throughout the country, many prosecutors are stepping down rather than comply with the current administration's weaponization of the legal process. Drescher's response that he was protecting his subordinates tells me as well as he is willing to protect institutions and people, not uphold justice and the values in the Vermont Constitution.
2. Christina Nolan's explanation that she "forgot a gun in her purse," is also inexcusable. As a gun owner in Vermont, I very much reject the idea that she forgot about it. If you own a gun and treat it as something forgettable, something you can leave around, not remember where you put it, and bring it to places you shouldn't, you are not responsible enough to own a gun. It is a dangerous weapon and needs to be treated as such. On top of that, I think this perfectly highlights the discrepancies of how people are treated in the criminal legal system. Had this case come across Ms. Nolan's desk as a prosecutor I am certain that she would not have offered any client of mine diversion and expungement. She would have been railing about how dangerous it is to bring a gun into a courthouse and probably would have sought jail time for them. The hypocrisy of it all sickens me.
3. Neither nominee has practiced in state court. Having not one, but two people on the bench who know nothing about state court practice and no experience outside of working for the US Attorney's office seems like setting up the Court for a long and painful learning curve that will affect Vermonters who are impacted by their uneducated rulings. These two will have to make rulings on law they have never actually practiced, that will have lasting effects on courts, institutions, and people that they know nothing about.
4. On top of their lack of experience in state court, where if they are confirmed, will make rulings that will hold the ultimate authority in Vermont state law, their backgrounds are almost identical. The Vermont Supreme Court requires diversity of experience, both professional and personal. How many people applied to the court with years of varied practice in state court? Family law, criminal law (on both sides of the aisle, not just prosecution), civil law? Why did the Scott administration find it acceptable to nominate two people who are life-long prosecutors who worked under an administration that seems not to care for the laws this nation was founded under? Vermonters deserve a Supreme Court Bench that reflects the wide range of law, issues, and individuals that state courts handle every day.

I urge the committee to use the opportunity afforded to it to reject these two nominees and demand that the Scott administration put forward candidates that will uphold the rule of law and reflect the needs of Vermonters, not just lackies of a government that could care less for the rule of law and the citizens it is supposed to protect.

Thank you,

Marcus Q. Marena