



Grand Isle County State's Attorney's Office

Press Release For Immediate Release

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STATE'S ATTORNEY BEYOND EXASPERATED WITH THE VERMONT JUDICIARY'S "CATCH & RELEASE" EPIDEMIC AND JUDICIARY'S LEGISLATIVE TALKING POINTS. CONSIDERS TAKING ACTION WITHIN HIS OWN STATUTORY AUTHORITY.

Back in 2009, Vermont's highest court, the Vermont Supreme Court noted that "[b]oth this Court and the Legislature consider a defendant's appearance at a court proceeding **of paramount importance** . . . [and f]ailing to appear in court is **treated so seriously** because without the presence of the accused, the prosecution could not go forward and the state would be denied its opportunity to seek justice. *In re Miller*, 2009 VT 36, ¶ 18. "Something that is paramount or of **paramount importance is more important than anything else.**"¹ In a recent decision, the Vermont Superior Court noted that "The Court agrees that [a defendant]'s appearance in Court is critical.", yet the Judge refused to enforce a unsecured appearance bond for a failure to appear. *State v. Gaudette*, 25-CR-05379, Entry Or., P. 1, ¶ 6 (Jan. 5, 2026). "**A critical time, factor, or situation is extremely important.**"² While these assertions by both the Vermont Supreme Court and Vermont Superior Court look and sound good on paper, unfortunately the routine practice happening in our courtrooms for failures to appear do not align with these written opinions.

During this 2026 legislative session, a bill was presented in the Vermont House Judiciary Committee to require Judges to impose bail in certain circumstances. This was opposed by the Vermont Judiciary. During testimony in the House Judiciary Committee, on February 12, 2026, Vermont Chief Superior Judge Thomas Zonay, argued against this bill. Judge Zonay opined the following: "*There's three categories when we look at appearance in Court. [1] Those who are going to appear . . . and those who generally appear. [2] There are those who will appear, but they need a little bit of assistance or reminder sometimes. [3] And those who are not coming to Court.*" While he made some relevant and salient points, he alleged this bill would be "*infringing on the judicial discretion [and] infringing on the ability of the State's Attorney to have input*" on whether bail should be imposed or not. He then gave two "*examples of real-world application*" of those who would be affected if this bill were to become law. Representative Goslant later confirmed with Judge Zonay that his two examples presented to the committee were: "*an eighty-year-old with Alzheimer's, and then a [single] woman that's got three kids that we're just arresting. Is that correct?*" Judge Zonay responded: "*Among the people who would be arrested, yes.*" These are not the people that this proposed legislation is attempting to address, and State's Attorney DiSabito submits the Judiciary knows this fully well.

Vice Chair of the House Judiciary, Rep. Tom Burditt, addressed Judge Zonay during this hearing: "*We do have a problem with people gaming the system. And I do believe we need some kind of language that's going to be more binding, I guess you could say, to make [Judges] do go to the arrest part. People who are gaming the system four, five, six, seven times, and they just keep getting the citations . . . they've learned how to play the game. It's just a joke to them . . . The people who are gaming the system and wasting the resources of the Court . . . there needs to be some kind of language where a Judge has to issue an arrest warrant to get them to finally do what they should be doing.*" Judge Zonay responded as follows: "*I would say we have an answer to this already. The answer is the Judge fully and fairly considers all of the facts, and the individuals you are talking about—there is the ability to put those individuals put appropriate conditions*

¹ <https://www.collinsdictionary.com/dictionary/english/paramount-importance>

² <https://www.collinsdictionary.com/dictionary/english/critical>

on for bail if they don't show up. Yes, there will be people who don't show up and who thumb their nose at the system . . . **The solution you are looking for is one you already have.** Judges, State's Attorneys, Defense Attorneys, in court, have to provide the Judge with information about why a warrant should be issued, why a warrant should not be issued, and the Judge uses the existing law to issue that warrant and put bail on if they think it's appropriate . . . **Often times, after two, after appearance, someone fails to appear two or three times, the Court will issue bail and impose it.**" This is not happening "often" as Judge Zonay represented to the House Judiciary Committee. Rather than providing a "real-world" application like Judge Zonay, State's Attorney DiSabito is providing a 2026 "real-world" situation that happened mere weeks after Judge Zonay's testimony on February 12, 2026:

On February 10, 2026, State's Attorney DiSabito charged an individual for Driving with a Suspended License #2 (suspended because of a DUI conviction). This crime, which is related to public safety, is a two-year misdemeanor in Vermont, meaning if our Legislature added one more day to this, it would be a felony.³ He/she was given a citation to appear in court on March 5, 2026, at 8:30 AM in Grand Isle County by the Vermont State Police. He/she failed to appear. He/she was arrested on March 16, 2026, and rather than issuing bail, a judge ordered him/her to appear in Grand Isle County on March 19, 2026, at 8:30 AM, via a Judicial Summons. He/she never appeared, and was then arrested on March 26, 2026, and on March 27, 2026, was arraigned in Franklin County on the DLS #2 Grand Isle County case. (The defendant appeared remotely from the correctional facility, and State's Attorney DiSabito appeared in person in St. Albans). This criminal defendant, at the young age of 32, had amassed 3 felony convictions, 27 misdemeanor convictions (3 of which are for lying to police and 4 are for violating court orders), 18 violations of probation, and 16 failures to appear in court. During the arraignment, State's Attorney DiSabito argued for the Court to impose \$500 bail to ensure his/her appearance in the future. The Judge disagreed and imposed absolutely no bail, even while the defendant appeared disinterested on video, yawning, and with the Judge asking if she was boring him/her. The Judge ordered that this defendant was to appear in Grand Isle County on Thursday, April 9, 2026, at 8:30 AM, and this defendant was released. This defendant never appeared on April 9, 2026. **This was now the 17th failure to appear for this defendant in Vermont. THIS is what is actually happening inside our courtrooms.** This defendant was not an 80-year-old with Alzheimer's and was not a single mother of three children. This is not treating failures to appear in court "so seriously", like the Vermont Supreme Court said it does. Our brave and dedicated law enforcement officers are beyond exasperated.

Governor Phil Scott has also expressed frustration on these chronic failures to appear and the Courts not holding offenders accountable, stating: "*People need to be held accountable for their actions and I don't think we've done that as well as we should.*"⁴; and "*We don't have an efficient court system because I believe we don't hold people accountable enough and make sure that they show up in court.*"⁵ State's Attorney DiSabito could not agree more.

"We all have the First Amendment which prohibits the government from taking adverse actions in response to protected speech or criticism of officials. I have never shied away from speaking truth to power or calling out "baloney" when I see or hear it. For over a decade, my constituents have come to expect this from me. As attorneys, we are officers of the legal system and public citizens who have a special responsibility for the quality of justice. We must seek improvement of the law, the administration of justice and the quality of service rendered by the legal profession. These chronic no-shows erode public trust in our legal system. When criminal defendants avoid their court obligations without repercussions, it conveys a troubling message: that some individuals are above the law. This perception can foster frustration and fear within our communities, as Vermonters may feel that justice is not being served. When criminal defendants fail to appear, it can compromise the safety of our communities. Addressing the chronic no-shows of criminal defendants is not just a matter of judicial efficiency—it is a matter of public safety and societal trust. As chief law enforcement officer for Grand Isle County since 2015, charged with keeping our county safe, I will continue to challenge the rectitude of official actions and statements, and ensure that the public knows exactly what is happening inside the courtrooms of Vermont. To that end, I am considering options that may be available to me within the Executive Branch, including partnering with already-identified and agreed-to members of the Legislative Branch, to ensure this "epidemic" is taken seriously and addressed properly by everyone in all three of our branches. —Douglas DiSabito, Grand Isle County State's Attorney

³ "In construing statutes, [the Vermont Supreme Court] give[s] effect to the Legislature's intent while mindful of the law's subject matter, its effects and consequences, and its reason and spirit. *State v. Gadreault*, 758 A.2d 781, 783 (Vt. 2000). The Vermont Supreme Court has held that it "determine[s] the Legislature's intent through consideration of several factors, **the most pivotal of which is the severity of the punishment provided for the offense**". *Id.* (emphasis added).

⁴ <https://www.wcax.com/2024/08/27/governor-says-violent-crime-not-just-problem-burlington/>

⁵ <https://www.vermontpublic.org/local-news/2024-04-05/capitol-recap-court-system-crisis-lawmakers-propose-new-positions>