OFFICE OF THE DEFENDER GENERAL

ANNUAL REPORT

FISCAL YEAR 1976

January 31, 1977

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STATE OF VERMONT
OFFICE OF THE DEFENDER GENERAL

TO: Honorable Richard A. Snelling, Governor of the State of Vermont; Honorable Albert W. Barney, Chief Justice, Vermont Supreme Court; Members of the General Assembly; and persons concerned with the Criminal Justice System in Vermont

FROM: James L. Morse, Defender General (Interim)

DATE: January 31, 1977

RE: Annual Report of the Office of the Defender General for Fiscal Year 1976

Pursuant to 13 V.S.A. §5256, I herewith forward the Annual Report of the activities of the Office of the Defender General during Fiscal Year 1976.

Respectfully submitted,

JAMES L. MORSE

OFFICE OF THE DEFENDER GENERAL

ANNUAL REPORT

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ANNUAL REPORT OF THE OFFICE OF THE DEFENDER GENERAL

FISCAL YEAR 1976

I. INTRODUCTION

A. History:

1. The Assigned Counsel System (ACS). For many years, Vermont provided defense services for needy persons accused of crimes under an assigned counsel system; that is, each court maintained a list of attorneys in its jurisdiction and assigned them on a rotating basis. Compensation was set in 1968 at $15.00 per hour and is still, irrespective of high increases in inflation, the rate set by the Vermont Supreme Court Administrative Order 6B, Rule 11. The assigned counsel system was, in part, Vermont's response to a United States Supreme Court decision, Gideon v. Wainwright, 372 U.S. 335 (1963), which requires the states to provide legal counsel to needy persons charged with a felony. See 13 V.S.A. §6503, as amended in 1963 (repealed in 1972). Otherwise, according to the Supreme Court, such defendants could not be validly convicted. The reason for the Gideon decision is the Sixth Amendment (Bill of Rights to the United States Constitution) guarantee that "[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of Counsel for his defense."*

The caseloads and costs were relatively small during the fiscal years 1968 through 1973 and are reflected in Exhibit A.

2. The Public Defender System (PDS). In 1971, the Vermont Legislature decided to adopt another method of providing constitutionally-required defense services--the public defender system. The reasons for such a decision were forwarded on ethical, moral and fiscal grounds.

a. Representation under the assigned counsel system was, for the most part, fragmented and unequal. For instance, many attorneys in the assigned counsel rosters were not well-versed in criminal law while some others were extremely competent at criminal trial work. The quality of representation, therefore, was dependent on chance for a particular accused.

b. Generally, there was not much enthusiasm on the part of lawyers to spend their time on assigned counsel matters because some did not like the work and/or were dissatisfied with the rate of compensation. This added to the pressure toward unequal representation.

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*Vermont's Constitution (Ch. 1, Art. 10) has a similar provision:

> "That in all prosecutions for criminal offenses a person hath a right to be heard by himself and his counsel. . . "

c. The overall cost of an assigned counsel system was inflated even though the rates of compensation were relatively low. Many reasons contributed to this situation.

(1) An assigned counsel with one assigned criminal case would spend many wasted hours in court waiting turn to appear for an arraignment, plea change hearing, sentencing hearing, jury drawings, etc.

(2) An assigned counsel not well-versed in criminal law tended to spend a great deal of time researching and studying criminal law and procedure. In other words, the state was paying to educate an attorney in a good many instances.

(3) An assigned counsel unfamiliar with the "ropes" wasted time in other ways as well.

As a consequence, the Legislature felt in 1971 that a new system (the public defender system) would offer the following advantages:

a. Fewer attorneys handling defense work would become more expeditious and expert at the job; therefore, providing better defense services.

b. These attorneys would provide more equal representation across the board.

c. Fiscally, this meant savings because:

(1) One attorney with a number of cases would be able to avoid wasted hours in court and in plea negotiations.

(2) Such an attorney would not need to educate himself on practice and procedure since he or she would already be educated and know "the ropes."

The implementation of the public defender system in 1972 proved to be fiscally less expensive. The statistics reflected in Exhibit A bear out this conclusion. A Joint House Committee Performance Audit of the Office of the Defender General (approved Jan. 3, 1975) also reflects this view:

> THE COMMITTEE FINDS THAT THE PUBLIC DEFENDER SYSTEM DOES HAVE ECONOMIES FOR THE STATE OF VERMONT BOTH IN TERMS OF COST AND IN TERMS OF PERFORMANCE AND THAT THESE ECONOMIES COULD NOT BE PROVIDED BY AN ASSIGNED COUNSEL SYSTEM.

The public defender system today is charged by statute to provide legal representation to needy persons in the following categories:

a. Criminal proceedings at all stages;

b. Extradition proceedings;

c. Appeals, habeas corpus, revocation of probation or parole, and other post-conviction proceedings;

d. Proceedings wherein the person is confined to a mental institution and seeks release;

e. Juvenile justice pre- and post-adjudication proceedings;

f. Any claim for relief by persons in the custody of the commissioner of corrections. 13 V.S.A. §§5232, 5233, 5253.

3. Assigned Counsel Cases After Start-Up of the Public Defender System. A separate appropriation covers fees and expenses for criminal cases assigned by a court to some attorney other than a public defender.

Ideally, assignment of such counsel should occur only in those cases where a conflict of interest occurs with representation by a public defender. The obvious example is two or more persons (eligible for public defender assistance) charged with offenses arising out of the same incident. A public defender cannot represent both or all of these defendants because their defenses may conflict. Shipping in public defenders from other counties does not rid the situation of the conflict (or at least the appearance of a conflict) and is an undesirable solution because of distance, time and money.*

Assignment of counsel can occur in ways other than conflict situations, but these should be relatively rare. Such occasions would include such contingencies as when the public defender is ill and it would not be feasible or practical to bring in a public defender from another county. These assignments should last only during a public defender's unavailability, and the public defender should assume the defense when the reason for his unavailability ceases.

The fiscal history of assigned counsel expenditures after start-up of the public defender system is also reflected in Exhibit A.

4. The Course of the Public Defender System in Vermont. Since July 1, 1972, when the defender system officially started, a number of factors led to misunderstandings, conflicts and resentments. While the assigned counsel system prior to 1972 was politically quiet, the emergence of the public defender system generated political questioning and unrest. Why did this happen?

First, coincidentally, the public defender system began almost simultaneously with the landmark U.S. Supreme Court decision, Argersinger v. Hamlin, 407 U.S. 25 (June 12, 1972). The Argersinger decision mandates (at 37):

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*In most, if not all, juvenile cases where the whole family qualifies for public defense assistance, an assigned counsel is inevitable since a public defender cannot at the same time represent the interests of the parents and children.

"We hold. . . that absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial."

The political outgrowth of Argersinger was a rapidly expanding need for public defender services.

Fiscal Year	Public Defender Cases	Assigned Counsel Debentures	Total
1971	-0-	1,149	1,149
1972	-0-	1,470	1,470
1973	1,474*	975	2,449
1974	2,954	507	3,461
1975	5,350	639	5,989
1976	5,505	728	6,233

*Contract Public Defenders.

Consequently, many persons thought that the public defender system was more expensive than the old assigned counsel system. However, the drain on the public treasury had the assigned counsel system remained during the aftermath of Argersinger would have been roughly as follows:

Fiscal Year	Public Defender Cases	Public Defender Cost	Projected Assigned Counsel Cost
1974	2,954	$355,183	$ 525,812
1975	5,350	483,148	898,800
1976	5,505	549,691	1,001,910

B. The Composition of the Public Defender System as of July 1, 1976. The composition of the public defender system on July 1, 1976 was as follows: In addition to the Office of the Defender General, nine district offices were located throughout the State with one or two full time lawyers representing eligible criminally-accused persons.*

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*See Section III for outline of federal assistance programs.

District	No. of Defenders (Public Defender & Deputy Public Defender
Addison	1
Bennington	1
Caledonia/Essex/Orleans	2
Chittenden	2
Franklin/Grand Isle/Lamoille	1
Rutland	2
Washington	2
Windham	1
Windsor/Orange	2
Total	14

Defender General Office in Montpelier 2 (DG & DDG)

II. INCREASE IN PUBLIC DEFENDER CASELOAD

While the nine public defender districts disposed of 5,209 cases during FY 1976, 5,505 cases were added during the same period, which amounts to a net gain of nearly 300 cases. Two districts (Bennington and Franklin/Grand Isle/Lamoille) incurred a net loss in cases of 23 and 78 respectively. Four districts (Rutland, Windham, Caledonia/Essex/Orleans, and Chittenden) incurred significant net gains in cases ranging from 78 in Rutland to 64 in Chittenden. One district (Windsor/Orange) incurred a moderate net gain, 45 cases, and the remaining two districts (Washington and Addison) incurred net gains of 39 and 37 cases respectively.

Figures submitted for cases added during the first quarter of FY 1977 indicate an increase over the same period in FY 1976 of 5% in cases system-wide. Cases added during the second quarter of FY 1977 increased 14% over FY 1976.

III. "ACCESS TO THE COURTS" PROGRAM

In February of 1974, the PDS began to receive federal assistance in the form of LEAA matching grant funds to serve an "Access to the Courts" program. These monies provided representation to needy persons in the following categories:

1. Appeals from convictions for serious crimes.

2. Legal representation for adult persons in the custody of the commissioner of corrections (post-conviction relief, habeas corpus, parole violations, and miscellaneous other matters).

3. Legal representation for juveniles in the custody of the state (juvenile delinquents and children in need of care and supervision).

The above services have been provided by (a) an appellate defender, (b) a correctional facilities defender and a deputy correctional defender, (c) a juvenile defender, and (d) appropriate support personnel.

The history of the funding for the "Access to the Courts" program is as follows:

Grant Period	Federal	State	Total
02/08/74--09/30/75	$99,756	$11,083	$110,839
10/01/75--09/30/76	96,890	14,004	110,894
10/01/76--09/30/77	99,352	33,117	132,469

An accurate statistical reporting system for the state fiscal year was not in effect for FY 1976; however, approximate caseloads for the various components of this grant were as follows:

Appeals	37 Cases
Juvenile post-adjudicative	409 Cases
Adult post-conviction	1171 Cases

The federal grant, which has been funded for a period of approximately three years with a 90%-90%-70% formula, expires on 9/30/77 and will not be funded after that date.

IV. OTHER GRANTS

1. Investigators Project. Another federal assistance grant provides three full-time investigators, each of whom assists three districts. The funding for the investigators is as follows:

Grant Period	Federal	State	Total
01/01/76--06/30/76	$25,000	$ 2,778	$27,778
07/01/76--06/30/77	52,068	5,785	57,853
07/01/77--06/30/78	53,249	5,917	59,166
07/01/78--12/31/78	27,275	3,030	30,305

The investigators free public defenders from time-consuming investigations, thus permitting the defenders to devote more time to the legal aspects of their cases and to carry larger caseloads than would otherwise be possible.

2. Planning, Management and Evaluation Project. A federal grant provides for an administrative assistant and supporting secretary to establish improved planning, research, management and evaluation capabilities within the Office of the Defender General. The funding for this grant is as follows:

Grant Period	Federal	State	Total
10/13/75--04/17/76	$11,248 (90%)	$ 1,250	$12,498
04/18/76--06/30/77	42,300 (90%)	4,700	47,000
07/01/77--06/30/78	36,508 (90%)	4,056	40,564
07/01/78--06/30/79	29,361 (70%)	12,584	41,945
07/01/79--06/30/80	21,732 (50%)	21,732	43,464
07/01/80--06/30/81	13,540 (30%)	31,594	45,134

3. Training Project. A limited amount of federal money is also provided for public defender training, to enable public defenders to attend specialized seminars and conferences on criminal litigation. The funding for this grant is as follows:

Grant Period	Federal	State	Total
06/01/74--05/31/75	$ 9,314 (90%)	$1,035	$10,349
03/01/75--06/30/76	9,000 (90%)	1,000	10,000
07/01/76--06/30/77	10,800 (90%)	1,200	12,000
07/01/77--06/30/78	7,778 (70%)	3,000	11,111
07/01/78--06/30/79	5,556 (50%)	5,555	11,111
07/01/79--06/30/80	3,333 (30%)	7,778	11,111

4. Summer Law Clerks. We received $3500 to enable us to employ five clerks this past summer. This grant expired on September 30, 1976 and is not expected to be renewed, although it was a very worthwhile project.

5. Paralegals. The Vermont CETO office has provided us with seven paralegal trainee positions funded by them. This grant expires March 31, 1977 and we do not anticipate further paralegal funding.

6. Juvenile Assistance Project. This grant provides federal funds to enable this office to employ a senior law clerk and a paralegal to assist the juvenile defender (see "Access to the Courts" project above). This is a three year project funded 90% by LEAA and enables this office to better represent the 1700 juveniles now in the custody of the state. The funding for this grant is as follows:

Grant Period	Federal	State	Total
12/01/76--06/30/77	$15,000	$1,667	$16,667
07/01/77--06/30/78	26,308	2,923	29,231
07/01/78--06/30/79	26,312	2,924	29,236
07/01/79--11/30/79	10,963	1,218	12,181

V. INDICATORS REFLECTING PUBLIC DEFENDER WORKLOAD

The National Legal Aid and Defender Association has concluded that a public defender should not exceed the following yearly caseloads:

1. 150 felony cases OR,
2. 400 misdemeanor cases OR,
3. 200 juvenile and other cases, OR
4. 25 appeals.

Judged by these standards the PDS in Vermont should have employed 31 attorneys during FY 1976.* By way of comparison the Rhode Island public defender system handled, during FY 1976 nearly 6,000 cases (more than 1,000 less than Vermont) with a staff of 18 attorneys and seven investigators, while Vermont handled 7,122 cases with 20 attorneys and three investigators.

National standards conservatively indicate that a public defender should not handle more than 150 felonies annually. While this is reflective of varying factors which do not necessarily apply to Vermont, it does provide an indication of the dimension of workload. A felony on one's record, regardless of the penalty imposed is a grave civil liability and poses grave potential consequences for an individual in the future. For example, Vermont's Habitual Offender law, 13 V.S.A. §11, permits a penalty of life imprisonment upon conviction of a fourth felony. Consequently, the gravity of a felony charge demands more defense effort than defense of a misdemeanor charge because of the added measure of adverse consequences to the accused individual.

Table A represents the percentage of felonies to total caseload (felonies, misdemeanors and juvenile cases) in FY 1976 by County and District.

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*FY 1976 Caseload Figures:

No. of Felonies: 1,366 = 9.1 attorneys; No. of Misdemeanors: 3,322 = 8.3 attorneys; Juvenile pre- and post-adjudicative: 1,055 = 5.3 attorneys; Misc. cases: 1,342 = 6.7 attorneys; Appeals: 37 = 1.5 attorneys; For a Total: 7,122 cases = 30.9 attorneys.

HISTORICAL STATISTICS

Exhibit A

Fiscal Year	No. of Assigned Counsel Cases	Assigned Counsel Cost	Cost Per Case	Budget Request	Appropriation	Cumulative Deficit
1968	646	$ 70,461.99	$ 109	$ 54,000	$ 54,000	$ 16,462
1969	668	83,187.66	125	80,107	80,107	19,543
1970	955	122,669.66	128	140,940	140,940	1,273
1971	1,149	158,895.97	138	160,000	154,800	5,369
1972	1,470	189,541.65	129	199,663	198,900	-0-[1]

On June 12, 1972, Argersinger v. Hamlin, 407 U.S. 25 was decided.

On July 1, 1972, the Vermont Public Defender System went into effect.

Fiscal Year	No. of Contract Public Defender Cases	No. of Assigned Counsel Cases	Contract Public Defender Cost	Assigned Counsel Cost	Contract Public Defender Cost Per Case	Assigned Counsel Cost Per Case	Budget Request	Appropri-tion	Cumulative Deficit
1973[2]	1,474	975	$161,356.10	$166,467.80	$110	$171	$224,516	$155,000	$47,452
1973 Supp.							212,146	124,646	
								728	
							$436,662	$280,374	

[1] Deficits going back prior to 1968 were all eliminated.

[2] The Public Defender System this year comprised only of contract part-time defense representation.

REVISED

Exhibit A (Continued)

HISTORICAL STATISTICS

ASSIGNED COUNSEL (AC)
And
PUBLIC DEFENDER (PD)

Fiscal Year	# of PD Cases	# of AC Debentures[1]	Cost of PD Cases	Cost of AC Debentures[2]	Cost Per PD Case	Cost Per AC Debenture	Total Budget Request From State	Total State Approp.	State PD Expenditures	State AC Expenditures	PD Deficit	AC Deficit
1974	2,954	507	$351,135[3] 15,048[4] $366,183	$ 90,328	$124	$178	$368,340	$294,123[5] 207,466[6] $501,589	$351,135	$137,780	(12,674)	-0-
1975	5,350	639	$456,005[3] 27,153[4] $483,158	$107,252	$ 90	$168	$533,628	$483,618[5] 42,000[6] $525,618	$444,005	$ 81,613	$12,000	$25,639
1976	5,505	728	$510,736[3] 38,955[4] $549,691	$136,658	$100	$188	$707,671	$506,416[5] 100,000[6] $606,416	$505,226	$100,000	$17,510	$57,849

(1) A/C debentures submitted (as opposed to paid)
(2) No administrative overhead has been charged to A/C cases
(3) State obligations
(4) Federal assistance
(5) General Fund appropriation
(6) Supplemental appropriation

REVISED

TABLE A

PUBLIC DEFENDER SYSTEM (PDS)

FY 1976

1. Net Gain (Loss) In Caseload* During FY 1976

District	Net Gain (Loss)
Rutland	78
Windham	75
Caledonia/Essex/Orleans	69
Chittenden	64
Windsor/Orange	45
Addison	37
Washington	29
Bennington	(23)
Franklin/Grand Isle/Lamoille	(78)
Net Gain (Loss) PDS	296

*Cases Added minus Cases Disposed.

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2. Percentage of Felonies Disposed

District	# of Felonies	% of Total Caseload
Chittenden	(205)	40.0%
Essex	(18)	35.3%
Orleans	(36)	31.9%
Bennington	(71)	29.0%
Windham	(89)	26.7%
Caledonia/Essex/Orleans	(128)	26.6%
P.D.S.	(1198)	25.7%
Windsor	(193)	25.3%
Franklin	(81)	24.9%
Rutland	(187)	24.6%
Windsor/Orange	(226)	23.6%
Caledonia	(74)	23.6%
Addison	(69)	23.3%
Franklin/Grand Isle/Lamoille	(127)	21.9%
Lamoille	(42)	18.6%
Washington	(96)	17.3%
Orange	(33)	16.5%
Grand Isle	(4)	16.0%

3. Percentage of Misdemeanors

District	# of Misdemeanors	% of Overall Caseload
Grand Isle	(21)	84.0%
Washington	(431)	77.7%
Orange	(144)	71.5%
Lamoille	(158)	69.9%
Franklin/Grand Isle/Lamoille	(385)	66.4%
Essex	(33)	64.7%
Caledonia	(199)	63.6%
Franklin	(206)	63.4%
Addison	(187)	63.2%
P.D.S.	(2910)	62.4%
Rutland	(477)	61.5%
Windsor/Orange	(580)	60.6%
Caledonia/Essex/Orleans	(287)	59.5%
Windham	(194)	58.3%
Windsor	(437)	57.2%
Chittenden	(263)	51.3%
Orleans	(55)	48.7%
Bennington	(122)	47.3%

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4. Percentage of Juvenile (Del. & CHINCS)

District	# of Juveniles	% of Overall Caseload
Bennington	(58)	23.7%
Orleans	(22)	19.5%
Windsor	(134)	17.5%
Windsor/Orange	(151)	15.8%
Windham	(50)	15.0%
Rutland	(105)	13.8%
Caledonia/Essex/Orleans	(67)	13.9%
Addison	(40)	13.5%
Caledonia	(40)	12.8%
Orange	(24)	12.0%
P.D.S.	(555)	11.9%
Franklin	(38)	11.7%
Franklin/Grand Isle/Lamoille	(68)	11.7%
Lamoille	(26)	11.5%
Essex	(5)	8.9%
Chittenden	(45)	8.8%
Washington	(28)	5.0%
Grand Isle	(---)	0.0%

TABLE A

5. DISPOSITION RESULTS (ADULT)

a. Percentage of Guilty to Other Disposition*:

FELONY		MISDEMEANOR	
Windsor	16.6%	Windsor	26.3%
Essex	16.6%	Windsor/Oe	29.7%
Windsor/Oe	17.3%	Windham	35.0%
Orleans	19.4%	Essex	36.4%
Orange	21.2%	Orange	39.8%
Windham	22.5%	Addison	41.7%
Washington	26.0%	C/E/O	42.9%
C/E/O	28.9%	Orleans	43.6%
Addison	29.0%	Caledonia	43.7%
Lamoille	31.0%	P.D.S.	45.1%
Rutland	33.7%	Bennington	45.7%
P.D.S.	34.0%	Rutland	48.2%
Caledonia	36.5%	Washington	48.7%
F/GI/L	47.2%	Lamoille	51.9%
Chittenden	49.8%	Grand Isle	57.0%
Franklin	54.3%	F/GI/L	57.7%
Bennington	57.8%	Chittenden	60.8%
Grand Isle	75.0%	Franklin	62.1%

*Guilty of Reduced Charge, Not Guilty, Transfer to Juvenile Court, and Nol Pros./Dismissed.

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b. Percentages of Time Served to Other Disposition*:

FELONY		MISDEMEANOR	
Grand Isle	0.0%	Windham	6.6%
Windham	14.3%	Grand Isle	7.7%
Addison	27.3%	Orleans	9.1%
Orleans	28.6%	Addison	10.0%
Orange	42.8%	Orange	10.3%
Bennington	50.0%	F/GI/L	12.1%
Windsor/Oe	51.1%	Windsor/Oe	12.3%
Windsor	52.5%	Windsor	12.9%
C/E/O	53.8%	Franklin	20.4%
Caledonia	55.2%	Washington	21.1%
P.D.S.	59.5%	P.D.S.	21.1%
Lamoille	61.5%	Rutland	26.4%
Rutland	63.7%	Lamoille	33.0%
F/GI/L	66.2%	C/E/O	33.7%
Franklin	70.0%	Bennington	36.7%
Washington	73.1%	Essex	38.5%
Chittenden	73.5%	Caledonia	40.0%
Essex	100.0%	Chittenden	46.6%

*Probation, Deferred Sentence and Fine Only.

TABLE A

DISPOSITION RESULTS (ADULT) (Cont'd)

c. Percentage of Deferred Sentences:

FELONY				MISDEMEANOR			
Windham		38.1%		Franklin	7.1%		
Orange	28.6%			Rutland		5.1%	
Bennington		15.9%		Bennington		5.0%	
Orleans	14.3%			F/GI/L		2.3%	
Addison		13.6%		P.D.S.			2.2%
Franklin	12.0%			Lamoille	2.1%		
Rutland		10.0%		Addison		2.1%	
F/GI/L		9.2%		Windsor	2.0%		
P.D.S.			8.3%	Washington		1.7%	
Windsor/Oe		4.3%		Windsor/Oe		1.5%	
Chittenden		2.6%		Windham		1.3%	
C/E/O		2.6%		Chittenden		.5%	
Washington		0.0%		Caledonia	0.0%		
Windsor	0.0%			Orange	0.0%		
Caledonia	0.0%			Orleans	0.0%		
Lamoille	0.0%			Essex	0.0%		
Essex	0.0%			C/E/O		0.0%	
Grand Isle	0.0%			Grand Isle	0.0%		

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d. Percentage of Probation:

FELONY				MISDEMEANOR			
Grand Isle	100.0%			Grand Isle	61.5%		
Addison		50.0%		Franklin	52.1%		
Windsor	45.0%			Windsor	42.7%		
Orleans	42.8%			Chittenden		42.5%	
Windsor/Oe		42.6%		Windsor/Oe		39.3%	
Caledonia	37.9%			Washington		33.0%	
C/E/O		35.9%		Addison		32.1%	
Bennington		34.1%		Windham		31.6%	
Lamoille	30.8%			P.D.S.			29.4%
Windham		28.6%		Orange	28.2%		
Orange	28.6%			Lamoille	27.8%		
P.D.S.			27.6%	Bennington		26.6%	
Washington		26.9%		Orleans	24.2%		
F/GI/L		23.1%		Caledonia	22.5%		
Chittenden		20.4%		Rutland		22.5%	
Rutland		18.8%		C/E/O		21.7%	
Franklin	18.0%			F/GI/L		21.2%	
Essex	0.0%			Essex	7.7%		

TABLE A

DISPOSITION RESULTS (ADULT) (Cont'd)

e. Percentage of Fine Only:

FELONY				MISDEMEANOR			
Windham		19.0%		Orleans	66.7%		
Orleans	14.3%			F/GI/L		64.3%	
Addison		9.1%		Orange	61.5%		
C/E/O		7.7%		Windham		60.5%	
Lamoille	7.7%			Addison		55.8%	
Rutland		7.5%		Essex	53.8%		
Caledonia	6.9%			P.D.S.			47.3%
P.D.S.			4.6%	Windsor/Oe		46.8%	
Chittenden		3.5%		Rutland		46.0%	
Windsor	2.5%			C/E/O		44.6%	
Windsor/Oe		2.1%		Washington		44.2%	
F/GI/L		1.5%		Windsor	42.4%		
Franklin	0.0%			Caledonia	37.5%		
Bennington		0.0%		Lamoille	37.1%		
Orange	0.0%			Bennington		31.7%	
Washington		0.0%		Grand Isle	30.8%		
Essex	0.0%			Franklin	20.4%		
Grand Isle	0.0%			Chittenden		10.4%	

---

f. Percentage of Trials:

Windham	(21)			11.5%	
Orleans	(5)		5.1%		
Lamoille	(9)		4.5%		
Essex	(2)		3.9%		
F/GI/L	(19)			3.7%	
Franklin	(10)		3.5%		
C/E/O	(14)			3.4%	
Caledonia	(7)		2.6%		
Addison	(6)			2.3%	
P.D.S.	(84)				1.9%
Orange	(3)		1.7%		
Bennington	(3)			1.6%	
Chittenden	(7)			1.5%	
Washington	(6)			1.1%	
Rutland	(4)			.6%	
Windsor/Oe	(5)			.6%	
Windsor	(1)		.2%		
Grand Isle	(0)		0.0%		

TABLE A

6. TYPES OF CASES

a. Breaking & Entering Night & Day:

Essex	17.3%		
Bennington		17.1%	
Chittenden		14.5%	
Addison		11.9%	
Franklin	9.9%		
P.D.S.			8.9%
Orange	8.6%		
Windham		8.4%	
Grand Isle	8.0%		
Rutland		7.3%	
Washington		6.8%	
Lamoille	6.8%		
Windsor	6.6%		
Caledonia	6.0%		
Orleans	5.2%		

b. Serious Crimes Against Property/Person*:

Bennington		24.1%	
Essex	23.1%		
Chittenden		21.5%	
Addison		19.6%	
Windham		17.6%	
Rutland		15.4%	
P.D.S.			15.2%
Windsor	14.3%		
Caledonia	13.9%		
Franklin	13.2%		
Orange	10.8%		
Washington		10.7%	
Lamoille	10.4%		
Orleans	8.2%		
Grand Isle	8.0%		

*E.g. Assault & Robbery, Arson, Breaking & Entering, Grand Larceny, etc.

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c. Serious Crimes Against Person*:

Franklin	6.9%		
Addison		5.6%	
Windsor	5.3%		
Caledonia	4.1%		
Chittenden		3.8%	
Essex	3.8%		
P.D.S.			3.7%
Rutland		3.6%	
Windham		3.4%	
Bennington		3.5%	
Orleans	2.0%		
Washington		1.8%	
Lamoille	1.3%		
Orange	1.0%		
Grand Isle	0.0%		

*Murder, Kidnapping, Rape, Aggravated Assault, Lewd & Lascivious, etc.

d. Drug Related Offenses (less alcohol):

Essex	9.6%		
Orleans	9.3%		
Orange	5.4%		
Addison		5.2%	
Windsor	5.1%		
Windham		4.7%	
Caledonia	4.1%		
P.D.S.			3.5%
Washington		3.5%	
Chittenden		2.5%	
Bennington		2.5%	
Lamoille	2.3%		
Franklin	1.3%		
Rutland		1.0%	
Grand Isle	0.0%		

TABLE A

TYPES OF CASES (Cont'd)

e. Public Intoxication:

Franklin	9.6%		
Washington		7.6%	
Grand Isle	6.9%		
Windsor	5.6%		
Lamoille	4.5%		
P.D.S.			3.6%
Rutland		3.6%	
Bennington		3.5%	
Orange	2.2%		
Essex	0.0%		
Windham		0.0%	
Orleans	0.0%		
Addison		0.0%	
Chittenden		0.0%	
Caledonia	0.0%		

f. Motor Vehicle Offenses*:

Orange	45.2%		
Windham		36.1%	
Orleans	36.1%		
Grand Isle	36.0%		
Washington		33.1%	
Rutland		32.4%	
Windsor	29.2%		
Addison		27.6%	
P.D.S.			27.5%
Caledonia	26.3%		
Lamoille	20.9%		
Bennington		19.1%	
Franklin	16.0%		
Chittenden		13.5%	
Essex	9.6%		

*DLS, C&N, OOC, LSA, FSO, DWI, etc.

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g. DWI:

Orange	18.3%		
Windham		17.2%	
Orleans	15.5%		
Addison		14.7%	
Washington		11.0%	
Rutland		10.2%	
Caledonia	10.1%		
Windsor	9.8%		
P.D.S.			9.8%
Grand Isle	8.0%		
Lamoille	7.3%		
Bennington		4.5%	
Chittenden		4.0%	
Essex	3.8%		
Franklin	3.6%		

h. Bad Checks:

Lamoille	13.2%		
Washington		10.6%	
Bennington		6.0%	
Addison		5.6%	
Chittenden		5.5%	
Rutland		5.4%	
P.D.S.			5.3%
Orleans	5.2%		
Caledonia	5.1%		
Orange	4.3%		
Grand Isle	4.0%		
Franklin	2.6%		
Windham		1.7%	
Windsor	.8%		
Essex	0.0%		

TABLE A

FISCAL 1976

Percentage of Breaking & Entering, Night & Day by District:

ADDISON	(34)	11.9%
BENNINGTON	(34)	17.1%
CALEDONIA	(19)	6.0%
CHITTENDEN	(69)	14.5%
ESSEX	(9)	17.3%
FRANKLIN	(30)	9.9%
GRAND ISLE	(2)	8.0%
LAMOILLE	(15)	6.8%
ORANGE	(16)	8.6%
ORLEANS	(5)	5.2%
RUTLAND	(49)	7.3%
WASHINGTON	(41)	6.8%
WINDHAM	(25)	8.4%
WINDSOR	(45)	6.6%

TABLE B

PUBLIC DEFENDER SYSTEM

Fiscal Year 1976

Juvenile Delinquents

	No.	% of Total
Serious Crimes Against Property/Person (Felonies):		
Arson	2 (.8%)[1]	
Breaking & Entering Night (B&E-n)	23 (8.8%)[2]	
Breaking & Entering Day (B&E-d)	18 (6.9%)	
Grand Larceny (GL)	20 (7.6%)[3]	
Total	63	24.0%
Serious Crimes Against Person (Felonies):		
Aggravated Assault (AA)	1 (.4%)[4]	
Lewd & Lascivious (L&L)	3 (1.1%)[5]	
Fellatio	1 (.4%)[6]	
Rape	3 (1.1%)[7]	
Kidnapping	1 (.4%)[8]	
Total	9	3.4%

---

[1]One of two dismissed by court.

[2]The 41 B&E cases break down as follows:
6 cases were dropped by the state's attorney;
6 cases were dismissed by the court;
3 cases were amended in return to a plea to a misdemeanor;
7 cases were transferred to other attorney due to conflict (results unknown);
19 cases resulted in an adjudication of guilt.

[3]The 20 Grand Larceny cases break down as follows:
6 cases were dropped by the state's attorney;
3 cases were amended in return to a plea to a misdemeanor;
1 case was dismissed by the court;
3 cases were transferred to other attorney due to conflict (results unknown);
7 cases resulted in an adjudication of guilt.

[4]Charge reduced to simple assault (misdemeanor).

[5]All three resulted in an adjudication of guilt.

[6]Dismissed by the court.

[7]Two of three cases dismissed by the court.

[8]Case dropped by state's attorney.

TABLE B

	No.	% of Total
Disorderly & Endangering Crimes (Misdemeanors):		
Annoying Telephone Calls	1 (.4%)	
Simple Assault (SA)	13 (5.0%)	
Simple Assault on police officer (SA/PO)	1 (.4%)	
Reckless Endangering (RE)	3 (1.1%)	
Disorderly Conduct (DC)	6 (2.3%)	
False Alarm	13 (4.6%)	
Malicious Threat	3 (1.5%)	
Total	40	15.3%
Crimes Against Property (Misdemeanors):		
Petit Larceny (PL)	61 (23.3%)	
Stolen Property (CSP/PSP/RSP)	14 (5.3%)	
Unlawful Mischief (UM)	14 (5.3%)	
Unlawful Trespass (UT)	14 (5.3%)	
Total	103	39.3%
Fraud (Felony):		
Forgery	5 (1.9%)	
False Token	1 (.4%)	
Total	6	2.3%
Fraud (Misdemeanor):		
Bad Check	1	.4%
Motor Vehicle Offenses:		
Careless & Negligent (C&N)	2 (.8%)	
Operating without owner's consent (OOC)	15 (5.7%)	
Leaving scene of accident (LSA)	1 (.4%)	
Driving while impaired (DWI)	2 (.8%)	
Fail to stop for officer (FSO)	1 (.4%)	
Driving without a license (DwoL)	1 (.4%)	
Total	22	8.4%
Drug Related Offenses	5	1.9%
Possession of a malt beverage	2	.8%
Fish & Game Violations	1	.4%
Knife throwing	1	.4%
Contempt	1	.4%
Hindering police	1	.4%
Modification hearing	1	.4%
Violation of probation	4	1.5%

TABLE B

	No.	% of Total
Fugitive From Justice	1	.4%
Boarding a freight train	1	.4%
GRAND TOTAL	262	100%

Felony Percentage Breakdown

Serious Crimes Against Person including Arson:

Of the total juvenile delinquency cases (262), approximately 1.9% (5) resulted in an adjudication of guilty to Arson (1), Aggravated Assault (0), Sex Related Crimes (4) and Kidnapping (0).

Breaking and Entering and Grand Larceny:

Of the total caseload (262), approximately 9.9% resulted in an adjudication of guilt to B&Es and 3.8% resulted in an adjudication of guilt to Grand Larceny (value of property stolen exceeds $100.00).

TABLE C

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

STATE-WIDE*

Felonies disposed	1,174	
Felonies partially handled	126	
Felonies transferred to juvenile court	24	
Total		1,324
Misdemeanors disposed	2,875	
Misdemeanors partially handled	160	
Misdemeanors transferred to juvenile court	35	
Total		3,070
Juvenile delinquents disposed	244	
Juvenile CHINS disposed **	311	
Juvenile cases partially handled	21	
Total		576
Miscellaneous charges***		239
GRAND TOTAL		5,209

*Nine Public Defenders and Five Deputy Public Defenders
**Children in Need of Care or Supervision
***Probation Violations & Fugitive From Justice primarily

Summary

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	1198	25.7%	2910	62.4%	555	11.9%

Total Charges Disposed**	4463
TOTAL CHARGES ADDED DURING FY'76	5505
TOTAL CHARGES DISPOSED DURING FY'76	5209
TOTAL CHARGES NET GAIN (LOSS)	296

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	407	34.0%	1311	45.1%	177	58.4%
Guilty of reduced charge	284	23.7%	302	10.4%	---	-----
Not Guilty	17	1.4%	28	.9%	---	-----
Transfer to juvenile court	24	2.0%	35	1.2%	---	-----
Nol Pros. & Dismissed	466	38.9%	1234	42.4%	126	41.6%
Total	1198	100%	2910	100%	303	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	272	59.5%	447	24.1%	47	26.6%
Probation	126	27.6%	622	33.6%	130	73.4%
Deferred Sentence	38	8.3%	46	2.5%	---	-----
Fine Only	21	4.6%	738	39.8%	---	-----
Totals	457	100%	1853	100%	177	100%

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Assault & Robbery	22	(.5%)	
Arson	21	(.5%)	
Breaking & Entering Night (B&E-n)	290	(6.6%)	
Breaking & Entering Day (B&E-d)	102	(2.3%)	
Grand Larceny (GL)	231	(5.3%)	
Theft of Realty	3	(.1%)	
Total	669		15.2%
Serious Crimes Against Person (Felonies):			
Aggravated Assault (AA)	90	(2.1%)	
Murder	2	(.05%)	
Kidnapping	9	(.2%)	
Lewd & Lascivious (L&L)	38	(.9%)	
Rape	19	(.4%)	
Fellatio	3	(.1%)	
Incest	1	(.02%)	
Total	162		3.7%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	240	(5.5%)	
Reckless Endangerment (RE)	29	(.7%)	
Disorderly Conduct (DC)	320	(7.3%)	
Simple Assault on Police Officer (SA/PO)	15	(.3%)	
Annoying Telephone Calls	5	(.1%)	
False Alarm	11	(.3%)	
Noise in Nighttime	6	(.1%)	
Total	626		14.3%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	304	(6.9%)	
Stolen Property (RSP-CSP-PSP)	154	(3.5%)	
Theft of Services	11	(.3%)	
Unlawful Mischief (UM)	136	(3.1%)	
Unlawful Trespass (UT)	94	(2.1%)	
Total	699		15.9%
Fraud (Felonies):			
Forgery	78	(1.8%)	
False Personation (FP)	5	(.1%)	
False Token (FT)	93	(2.1%)	
Extortion	3	(.1%)	
Embezzlement	8	(.2%)	
Counterfeiting	2	(.1%)	
Fraud	3	(.1%)	
Uttering Forged Instrument (UFI)	31	(.7%)	
Stolen Credit Card	1	(.02%)	
Total	224		5.1%

Summary

TYPES OF CRIMES

	No.		% of Total
Fraud (Misdemeanors):			
Welfare Fraud (WF)	31	(.7%)	
False Information to officer (FIO)	13	(.3%)	
Bad Check (BC)	231	(5.3%)	
Total	275		6.3%
Motor Vehicle Offenses:			
Driving License Suspended (DLS)	322	(7.3%)	
Careless & Negligent (C&N)	218	(5.0%)	
Operating Without Owner Consent (OOC)	86	(2.0%)	
Leaving Scene of Accident (LSA)	89	(2.0%)	
Fail to stop for officer (FSO)	29	(.7%)	
Driving While Impaired (DWI)	432	(9.8%)	
Eluding police officer	9	(.2%)	
Other	23	(.5%)	
Total	1208		27.5%
Drug Related Offenses	154		3.5%
Fish & Game Violations	61		1.4%
Sale of Liquor to Minors	12		.3%
Possession Malt Beverage	10		.2%
Conspiracy	1		.02%
Littering	12		.3%
Possession of switchblade	1		.02%
Non-Support	9		.2%
Escape	67		1.5%
Fail to attend school	1		.02%
Cruelty to animals	4		.1%
Public Intoxication	159		3.6%
Damage to gravestone	1		.02%
Unconsented sale of collateral	1		.02%
Inciting a felony	2		.05%
Contributing to delinquency of minor	1		.02%
Vagrancy	4		.1%

Summary

TYPES OF CRIMES

	No.	% of Total
Possession of burglar's tools	2	.05%
Fail to give medical assistance	1	.02%
Child abuse	1	.02%
Contempt of Court	7	.2%
Obstructing rr track or highway	2	.05%
Hindering police officer	7	.2%
Tampering with electricity	6	.1%
GRAND TOTAL	4389	100.%

TABLE D

PUBLIC DEFENDER SYSTEM

FISCAL YEAR 1976

NUMBER OF PERSONS REPRESENTED BY DISTRICT

District	Individuals	Charges	Charges Per Individual
Windsor/Orange	573	1,066	1.86
Washington	429	694	1.62
Rutland	412	864	2.10
Chittenden	389	622	1.60
Franklin/Grand Isle/Lamoille	318	568	1.79
Caledonia/Essex/Orleans	347	636	1.83
Windham	223	433	1.94
Addison	201	369	1.84
Bennington	137	253	1.85
Totals	3,029	5,505	1.82

TABLE E

ADDISON COUNTY/DISTRICT*

The Addison public defender (no deputy) was assigned to represent 201 individuals charged with 369 offenses. This represents a net gain of 37 cases (11%) because cases disposed during the year amounted to 332. The following tables reflect a breakdown of the types of cases handled.

Public Defender: William K. Sessions, III
P. O. Box 423
18 South Pleasant Street
Middlebury, Vermont 05753
(802) 388-6053

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies Disposed	65	
Felonies partially handled	18	
Felonies transferred to juvenile court	4	
Total		87
Misdemeanors disposed	185	
Misdemeanors partially handled	11	
Misdemeanors transferred to juvenile court	2	
Total		198
Juvenile delinquents disposed	20	
Juvenile CHINS disposed**	14	
Juvenile cases partially handled	3	
Total		37
Miscellaneous charges***		10
GRAND TOTAL		332

*One Public Defender
**Children in Need of Care or Supervision

Addison

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	69	23.3%	187	63.2%	40	13.5%

Total Charges Disposed**	296
TOTAL CHARGES ADDED DURING FY'76	369
TOTAL CHARGES DISPOSED DURING FY'76	332
TOTAL CHARGES NET GAIN (LOSS)	37

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	20	29.0%	78	41.7%	17	65.4%
Guilty of reduced charge	26	37.6%	36	19.2%	--	-----
Not Guilty	3	4.4%	3	1.6%	--	-----
Transfer to juvenile court	4	5.8%	2	1.1%	--	-----
Nol Pros. & Dismissed	16	23.2%	68	36.4%	9	34.6%
Total	69	100%	187	100%	26	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	6	27.3%	14	10.0%	5	29.4%
Probation	11	50.0%	45	32.1%	12	70.6%
Deferred Sentence	3	13.6%	3	2.1%	--	-----
Fine Only	2	9.1%	78	55.8%	--	-----
Totals	22	100%	140	100%	17	100%

TYPES OF CASES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Arson	1		
Breaking & Entering Night (B&E-n)	22		
Breaking & Entering Day (B&E-d)	12		
Grand Larceny (GL)	18		
Theft of Realty (TR)	3		
Total	56		19.6%
Serious Crimes Against Person (Felonies):			
Aggravated Assault (AA)	9		
Lewd & Lascivious (L&L)	6		
Rape	1		
Total	16		5.6%
Disorderly & Endangering Crimes (Misdemenaors):			
Simple Assault (SA)	10		
Reckless Endangering (RE)	2		
Disorderly Conduct (DC)	7		
Simple Assault on Police Officer (SA/PO)	1		
Total	20		7.0%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	16		
Stolen Property (RSP-CSP-PSP)	8		
Theft of Services	1		
Unlawful Mischief (UM)	6		
Unlawful Trespass (UT)	5		
Total	36		12.6%
Fraud (Felonies):			
Forgery	5		
False Personation (FP)	1		
False Token (FT)	3		
Total	9		3.2%
Fraud (Misdemeanor):			
Welfare Fraud (WF)	13		
False Information (FI)	1		
Bad Check (BC)	16		
Total	30		10.5%
Motor Vehicle Offenses:			
Driving While License Suspended (DLS)	20		
Careless & Negligent (C&N)	8		
Operating Without Owner's Consent (OOF)	3		
Leaving Scene of Accident (LSA)	5		
Fail to Stop for Officer (FSO)	1		
Driving While Impaired (DWI)	42	(14.7%)	
Total	79		27.6%

Addison

TYPES OF CASES

	No.	% of Total
Drug Related Offenses	15	5.2%
Fish & Game Violations	22	7.7%
Sale of Liquor to Minors	2	.7%
Littering	1	.4%
GRAND TOTALS	286	100%

TABLE F

BENNINGTON COUNTY/DISTRICT*

One of the few districts to experience a net loss in caseload in Fiscal 1976 (8%), the public defender, who resigned at the conclusion of the year, represented 137 individuals charged with 253 offenses. Of note is the fact that Bennington handled the highest percentage of juvenile cases--24%.

Public Defender:

David S. Putter (resigned 9/1/76)
David G. Reid
338 Main Street
Bennington, Vermont 05201
(802) 442-8316

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	66	
Felonies partially handled	4	
Felonies transferred to juvenile court	5	
Total		75
Misdemeanors disposed	114	
Misdemeanors partially handled	8	
Misdemeanors transferred to juvenile court	2	
Total		124
Juvenile delinquents disposed	19	
Juvenile CHINS disposed**	32	
Juvenile cases partially handled	0	
Total		51
Miscellaneous charges***		26
GRAND TOTAL		276

*One Public Defender
**Children in Need of Care or Supervision
***Probation Violations & Post-Juvenile Adjudication Relief

Bennington

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	71	29.0%	116	47.3%	58	23.7%

Total Charges Disposed**	245
TOTAL CHARGES ADDED DURING FY'76	253
TOTAL CHARGES DISPOSED DURING FY'76	276
TOTAL CHARGES NET GAIN (LOSS)	(23)

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	41	57.8%	53	45.7%	9	34.6%
Guilty of reduced charge	13	18.3%	9	7.8%	--	-----
Not Guilty	1	1.4%	---	-----	--	-----
Transfer to juvenile court	5	7.0%	2	1.7%	--	-----
Nol Pros. & Dismissed	11	15.5%	52	44.8%	17	65.4%
Total	71	100%	116	100%	26	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	22	50.0%	22	36.7%	1	11.1%
Probation	15	34.1%	16	26.6%	8	88.9%
Deferred Sentence	7	15.9%	3	5.0%	--	-----
Fine Only	--	-----	19	31.7%	--	-----
Totals	44	100%	60	100%	9	100%

Bennington

TYPES OF CRIMES

	No.	% of Total
Serious Crimes Against Property/Person (Felonies):		
Arson	2	
Breaking & Entering Night (B&E-n)	27	
Breaking & Entering Day (B&E-d)	7	
Grand Larceny (GL)	12	
Total	48	24.1%
Serious Crimes Against Person (Felonies):		
Kidnapping	1	
Aggravated Assault (AA)	4	
Total	5	2.5%
Disorderly & Endangering Crimes (Misdemeanors):		
Simple Assault (SA)	19	
Reckless Endangering (RE)	1	
Disorderly Conduct (DC)	14	
Annoying Telephone Calls (ATE)	2	
Total	36	18.1%
Crimes Against Property (Misdemeanors):		
Petit Larceny (PL)	10	
Stolen Property (RSP-CSP-PSP)	6	
Unlawful Mischief (UM)	5	
Unlawful Trespass (UT)	5	
Total	26	13.1%
Fraud (Felony):		
Embezzlement	3	
Forgery	6	
False Token (FT)	6	
Total	15	7.5%
Fraud (Misdemeanor):		
Welfare Fraud (WF)	1	
Bad Check (BC)	12	
Total	13	6.5%
Motor Vehicle Offenses:		
Driving While Licenses Suspended (DLS)	12	
Careless & Negligent (C&N)	4	
Operating Without Owner's Consent (OOC)	4	
Leaving Scene of Accident (LSA)	1	
Fail to Stop for Officer (FSO)	1	
Driving While Impaired (DWI)	9 (4.5%)	
Total	31	15.6%

Bennington

TYPES OF CRIMES

	No.	% of Total
Drug Related Offenses	5	2.5%
Escape	1	.5%
Public Intoxication	7	3.5%
Hindering a police officer	1	.5%
Obstructing railroad tracks	1	.5%
Traffic Violations	7	3.5%
Contempt of Court	3	1.5%
GRAND TOTAL	199	100%

TABLE G

CALEDONIA/ESSEX/ORLEANS DISTRICT*

With the office located in St. Johnsbury, this two-defender district was assigned to represent 347 individuals charged with 636 offenses for a net gain of 69 cases or a 12.2% increase in caseload.

Public Defender:	Stephen R. Elias
Deputy Public Defender:	Andrew B. Crane (resigned to be the public defender in Washington District)
	61 Railroad Street
	St. Johnsbury, Vermont 05819
	(802) 748-5176

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	127	
Felonies partially handled	12	
Felonies transferred to juvenile court	1	
Total		140
Misdemeanors disposed	286	
Misdemeanors partially handled	39	
Misdemeanors transferred to juvenile court	1	
Total		326
Juvenile delinquents disposed	13	
Juvenile CHINS disposed**	54	
Juvenile cases partially handled	2	
Total		69
Miscellaneous charges***		32
GRAND TOTAL		567

*One Public Defender and One Deputy Public Defender
**Children in Need of Care or Supervision
***Probation Violations & Fugitive From Justice primarily

Caledonia/Essex/Orleans

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	128	26.6%	287	59.5%	67	13.9%

Total Charges Disposed**	482
TOTAL CHARGES ADDED DURING FY'76	636
TOTAL CHARGES DISPOSED DURING FY'76	567
TOTAL CHARGES NET GAIN (LOSS)	69

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	37	28.9%	123	42.9%	4	26.7%
Guilty of reduced charge	26	20.3%	19	6.6%	--	-----
Not Guilty	5	3.9%	7	2.4%	--	-----
Transfer to juvenile court	1	.8%	1	.3%	--	-----
Nol Pros. & Dismissed	59	46.1%	137	47.7%	11	73.3%
Total	128	100%	287	100%	15	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	21	53.8%	56	33.7%	1	25.0%
Probation	14	35.9%	36	21.7%	3	75.0%
Deferred Sentence	1	2.6%	--	-----	--	-----
Fine Only	3	7.7%	74	44.6%	--	-----
Totals	39	100%	166	100%	4	100%

TABLE H

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

CALEDONIA COUNTY

Felonies disposed	73	
Felonies partially handled	10	
Felonies transferred to juvenile court	1	
Total		84
Misdemeanors disposed	198	
Misdemeanors partially handled	33	
Misdemeanors transferred to juvenile court	1	
Total		232
Juvenile delinquents disposed	10	
Juvenile CHINS disposed*	30	
Juvenile cases partially handled	0	
Total		40
Miscellaneous charges**		20
GRAND TOTAL		376

*Children in Need of Care or Supervision
**Probation Violations & Fugitive From Justice primarily.

Caledonia

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	74	23.5%	199	63.2%	42	13.3%

Total Charges Disposed**	315
TOTAL CHARGES ADDED DURING FY'76	449
TOTAL CHARGES DISPOSED DURING FY'76	376
TOTAL CHARGES NET GAIN (LOSS)	73

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	27	36.5%	87	43.7%	2	16.7%
Guilty of reduced charge	17	23.0%	18	9.1%	--	-----
Not Guilty	2	2.7%	4	2.0%	--	-----
Transfer to juvenile court	1	1.4%	1	.5%	--	-----
Nol Pros. & Dismissed	27	36.5%	89	44.7%	10	83.3%
Total	74	100%	199	100%	12	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	16	55.2%	48	40.0%	1	50.0%
Probation	11	37.9%	27	22.5%	1	50.0%
Deferred Sentence	--	-----	--	-----	--	-----
Fine Only	2	6.9%	45	37.5%	--	-----
Totals	29	100%	120	100%	2	100%

Caledonia

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Arson	2		
Breaking & Entering Night (B&E-n)	14		
Breaking & Entering Day (B&E-d)	5		
Grand Larceny (GL)	22		
Assault & Robbery (A&R)	1		
Total	44		13.9%
Serious Crimes Against Person (Felonies):			
Aggravated Assault (AA)	5		
Lewd & Lascivious (L&L)	2		
Rape	6		
Total	13		4.1%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	19		
Simple Assault on police officer (SA/PO)	5		
Disorderly Conduct (DC)	13		
Noise in Night	3		
Total	40		12.7%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	35		
Stolen Property (CSP-PSP-RSP)	8		
Unlawful Mischief (UM)	9		
Unlawful Trespass (UT)	14		
Total	66		20.9%
Fraud (Felonies):			
Forgery	6		
Uttering Forged Instrument (UFI)	6		
False Token (FT)	5		
Embezzlement	1		
Total	18		5.7%
Fraud (Misdemeanors):			
False information to officer (FIO)	3		
Welfare fraud (WF)	2		
Bad check (BC)	16		
Total	21		6.6%
Motor Vehicle Offenses:			
Driving While License Suspended (DLS)	26		
Careless & Negligent (C&N)	11		
Operating Without Owner Consent (OOC)	6		
Leaving Scene of Accident (LSA)	4		
Driving While Impaired (DWI)	32	(10.1%)	
Fail to stop for officer	4		
Total	83		26.3%

Caledonia

TYPES OF CRIMES

	No.	% of Total
Drug Related Offenses	13	4.1%
Possession malt beverage	3	.9%
Escape	7	2.2%
Non-Support	1	.3%
Fish & Game violations	6	1.9%
Littering	1	.3%
GRAND TOTAL	316	100%

TABLE I

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

ESSEX COUNTY

Felonies disposed	18	
Felonies partially handled	1	
Felonies transferred to juvenile court	0	
Total		19
Misdemeanors disposed	33	
Misdemeanors partially handled	0	
Misdemeanors transferred to juvenile court	0	
Total		33
Juvenile delinquents disposed	0	
Juvenile CHINS disposed*	5	
Juvenile cases partially handled	2	
Total		7
Miscellaneous charges**		8
GRAND TOTAL		67

*Children in Need of Care or Supervision.
**Probation Violations & Fugitive From Justice primarily.

Essex

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	18	32.2%	33	58.9%	5	8.9%

Total Charges Disposed**	56
TOTAL CHARGES ADDED DURING FY'76	64
TOTAL CHARGES DISPOSED DURING FY'76	67
TOTAL CHARGES NET GAIN (LOSS)	(3)

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	3	16.6%	12	36.4%	--	-----
Guilty of reduced charge	1	5.6%	--	-----	--	-----
Not Guilty	1	5.6%	1	3.0%	--	-----
Transfer to juvenile court	--	-----	--	-----	--	-----
Nol Pros. & Dismissed	13	72.2%	20	60.6%	--	-----
Total	18	100%	33	100%	--	-----

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	3	100%	5	38.5%	--	-----
Probation	--	----	1	7.7%	--	-----
Deferred Sentence	--	-----	--	-----	--	-----
Fine Only	--	-----	7	53.8%	--	-----
Totals	3	100%	13	100%	--	-----

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Breaking & Entering Night (B&E-n)	3		
Breaking & Entering Day (B&E-d)	6		
Grand Larceny (GL)	2		
Assault & Robbery	1		
Total	12		23.1%
Serious Crimes Against Person (Felonies):			
Aggravated Assault (AA)	1		
Kidnapping	1		
Total	2		3.8%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	5		
Simple Assault on police officer (SA/PO)	1		
Reckless Endangering (RE)	1		
Disorderly Conduct (DC)	2		
Total	9		17.3%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	6		
Stolen Property (RSP-CSP-PSP)	3		
Unlawful Trespass (UT)	7		
Total	16		30.8%
Fraud (Felonies):			
Uttering Forged Instrument (UFI)	1		1.9%
Motor Vehicle Offenses:			
Driving while License Suspended (DSL)	1		
Operating Without Owner's Consent (OOC)	1		
Leaving Scene of Accident (LSA)	1		
Driving While Impaired (DWI)	2	(3.8%)	
Total	5		9.6%
Drug Related Offenses	5		9.6%
Non-Support	2		3.8%
GRAND TOTAL	52		100%

TABLE J

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

ORLEANS COUNTY

Felonies disposed	36	
Felonies partially handled	1	
Felonies transferred to juvenile court	0	
Total		37
Misdemeanors disposed	55	
Misdemeanors partially handled	6	
Misdemeanors transferred to juvenile court	0	
Total		61
Juvenile delinquents disposed	3	
Juvenile CHINS disposed*	19	
Juvenile cases partially handled	0	
Total		22
Miscellaneous charges**		4
GRAND TOTAL		124

*Children in Need of Care or Supervision.
**Probation Violations & Fugitive From Justice primarily.

Orleans

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	36	31.8%	55	48.7%	22	19.5%

Total Charges Disposed**	113
TOTAL CHARGES ADDED DURING FY'76	134
TOTAL CHARGES DISPOSED DURING FY'76	124
TOTAL CHARGES NET GAIN (LOSS)	10

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	7	19.4%	24	43.6%	2	66.7%
Guilty of reduced charge	8	22.2%	1	1.8%	--	-----
Not Guilty	2	5.6%	2	3.6%	--	-----
Transfer to juvenile court	--	-----	--	-----	--	-----
Nol Pros. & Dismissed	19	52.8%	28	50.9%	1	33.3%
Total	36	100%	55	100%	3	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	2	28.6%	3	9.1%	--	-----
Probation	3	42.8%	8	24.2%	2	100%
Deferred Sentence	1	14.3%	--	-----	--	-----
Fine Only	1	14.3%	22	66.7%	--	-----
Totals	7	100%	33	100%	2	100%

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Breaking & Entering Night (B&E-n)	2		
Breaking & Entering Day (B&E-d)	3		
Grand Larceny (GL)	1		
Assault & Robbery	2		
Total	8		8.2%
Serious Crimes Against Person (Felonies):			
Aggravated Assault (AA)	1		
Kidnapping	1		
Total	2		2.0%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	1		
Disorderly Conduct (DC)	6		
Noise in Night	1		
Total	8		8.2%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	8		
Stolen Property (RSP-CSP-PSP)	2		
Unlawful Mischief (UM)	2		
Unlawful Trespass (UT)	1		
Total	13		13.4%
Fraud (Felonies):			
False Token (FT)	13		13.4%
Fraud (Misdemeanors):			
Welfare Fraud (WF)	1		
Bad Check (BC)	5		
Total	6		6.2%
Motor Vehicle Offenses:			
Driving While License Suspended (DLS)	11		
Careless & Negligent (C&N)	4		
Operating Without Owner's Consent (OOC)	2		
Leaving Scene of Accident (LSA)	1		
Driving While Impaired (DWI)	15	(15.5%)	
Fail to stop for officer (FSO)	2		
Total	35		36.1%
Drug Related Offenses	9		9.3%
Escape	1		1.0%
Possession burglar's tools	1		1.0%
Conspiracy	1		1.0%
GRAND TOTAL	97		100%

TABLE K

CHITTENDEN COUNTY/DISTRICT*

A two-defender office, Chittenden, handled the highest percentage of felonies of any district (40%). The court assigned 389 individuals charged with 622 offenses for a net gain in caseload of 11.5%.

Public Defender: David B. Smith, Jr.
Deputy Public Defender: Stephen S. Blodgett
P. O. Box 572
39 Pearl Street
Burlington, Vermont 05401
(802) 863-6323

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	204	
Felonies partially handled	9	
Felonies transferred to juvenile court	1	
Total		214
Misdemeanors disposed	261	
Misdemeanors partially handled	2	
Misdemeanors transferred to juvenile court	2	
Total		265
Juvenile delinquents disposed	17	
Juvenile CHINS disposed**	25	
Juvenile cases partially handled	0	
Total		42
Miscellaneous charges***		37
GRAND TOTAL		558

*One Public Defender and One Deputy Public Defender
**Children in Need of Care or Supervision
***Probation Violations & Fugitive From Justice primarily

Chittenden

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	205	40.0%	263	51.3%	45	8.8%

Total Charges Disposed**	513
TOTAL CHARGES ADDED DURING FY'76	622
TOTAL CHARGES DISPOSED DURING FY'76	558
TOTAL CHARGES NET GAIN (LOSS)	64

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	102	49.8%	160	60.8%	17	85.0%
Guilty of reduced charge	54	26.3%	20	7.6%	--	-----
Not Guilty	2	1.0%	2	.8%	--	-----
Transfer to juvenile court	1	.5%	2	.8%	--	-----
Nol Pros. & Dismissed	46	22.4%	79	30.0%	3	15.0%
Total	205	100%	263	100%	20	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	83	73.5%	103	46.6%	7	41.2%
Probation	23	20.4%	94	42.5%	10	58.8%
Deferred Sentence	3	2.6%	1	.5%	--	-----
Fine Only	4	3.5%	23	10.4%	--	-----
Totals	113	100%	221	100%	17	100%

Chittenden

TYPES OF CRIMES

	No.	% of Total
Serious Crimes Against Property/Person (Felonies):		
Arson	9	
Assault & Robbery	3	
Breaking & Entering Night (B&E-n)	53	
Breaking & Entering Day (B&E-d)	16	
Grand Larceny (GL)	21	
Total	102	21.5%
Serious Crimes Against Person (Felonies):		
Murder	2	
Kidnapping	1	
Aggravated Assault (AA)	8	
Lewd & Lascivious (L&L)	3	
Rape	4	
Total	18	3.8%
Disorderly & Endangering Crimes (Misdemeanors):		
Simple Assault (SA)	34	
Reckless Endangering (RE)	1	
Disorderly Conduct (DC)	58	
Simple Assault on Police Officer (SA/PO)	1	
False Alarm	2	
Total	96	20.2%
Crimes Against Property (Misdemeanors):		
Petit Larceny (PL)	26	
Stolen Property (RSP-CSP-PSP)	29	
Theft of Services	2	
Unlawful Mischief (UM)	16	
Unlawful Trespass (UT)	14	
Total	87	18.3%
Fraud (Felonies):		
Forgery	12	
Uttering Forged Instrument (UFI)	14	
False Personaltion	3	
False Token (FT)	17	
Embezzlement	1	
Total	47	9.9%
Fraud (Misdemeanors):		
Welfare Fraud (WF)	6	
Bad Check (BC)	26	
Total	32	6.7%
Motor Vehicle Offenses:		
Driving While License Suspended (DLS)	16	
Careless & Negligent (C&N)	5	
Operating Without Owner's Consent (OOC)	13	

Chittenden

TYPES OF CRIMES

	No.	% of Total
Leaving Scene of Accident (LSA)	11	
Driving While Impaired (DWI)	19 (4%)	
Total	64	13.5%
Drug Related Offenses	12	2.5%
Sale of liquor to minors	1	.2%
Vagrancy	4	.8%
Cruelty to animals	1	.2%
Escape	11	2.3%
GRAND TOTAL	475	100%

TABLE L

FRANKLIN/GRAND ISLE/LAMOILLE DISTRICT*

Having the largest caseload of any public defender operating without a deputy, this 3-county district handled 646 disposed cases but incurred a net loss of 78 cases or a 12% decrease in caseload. During the year, 318 persons were assigned, charged with 568 offenses.

Public Defender:

Robert E. Farrar
State Office Building
45 Kingman Street
St. Albans, Vermont 05478
(802) 524-9521

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	127	
Felonies partially handled	17	
Felonies transferred to juvenile court	0	
Total		144
Misdemeanors disposed	380	
Misdemeanors partially handled	17	
Misdemeanors transferred to juvenile court	5	
Total		402
Juvenile delinquents disposed	30	
Juvenile CHINS disposed**	33	
Juvenile cases partially handled	0	
Total		63
Miscellaneous charges***		37
GRAND TOTAL		646

*One Public Defender
**Children in Need of Care or Supervision
***Probation Violations & Fugitive From Justice primarily

Franklin/Grand Isle/Lamoille

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	127	21.9%	385	66.4%	68	11.7%

Total Charges Disposed**	580
TOTAL CHARGES ADDED DURING FY'76	568
TOTAL CHARGES DISPOSED DURING FY'76	646
TOTAL CHARGES NET GAIN (LOSS)	(78)

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	60	47.2%	222	57.7%	20	57.1%
Guilty of reduced charge	20	15.7%	13	3.4%	--	-----
Not Guilty	5	3.9%	9	2.3%	--	-----
Transfer to juvenile court	--	-----	5	1.3%	--	-----
Nol Pros. & Dismissed	42	33.1%	136	35.3%	15	42.9%
Total	127	100%	385	100%	35	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	43	66.2%	62	12.1%	8	40.0%
Probation	15	23.1%	109	21.2%	12	60.0%
Deferred Sentence	6	9.2%	12	2.3%	--	-----
Fine Only	1	1.5%	330	64.3%	--	-----
Totals	65	100%	513	100%	20	100%

TABLE M

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

FRANKLIN COUNTY

Felonies disposed	81	
Felonies partially handled	12	
Felonies transferred to juvenile court	0	
Total		93
Misdemeanors disposed	205	
Misdemeanors partially handled	3	
Misdemeanors transferred to juvenile court	1	
Total		209
Juvenile delinquents disposed	15	
Juvenile CHINS disposed*	22	
Juvenile cases partially handled	0	
Total		37
Miscellaneous charges**		23
GRAND TOTAL		362

*Children in Need of Care or Supervision.
**Probation Violations & Fugitive From Justice primarily.

Franklin

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	81	24.9%	206	63.4%	38	11.7%
Total Charges Disposed**						325

*Including transfer to juvenile court.
**Less miscellaneous charges.
***Includes Delinquency & CHINS.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	42	53.2%	128	62.1%	10	62.5%
Guilty of reduced charge	11	13.9%	6	2.9%	--	-----
Not Guilty	3	3.8%	6	2.9%	--	-----
Transfer to juvenile court	--	-----	1	.5%	--	-----
Nol Pros. & Dismissed	23	29.1%	65	31.6%	6	37.5%
Total	79	100%	206	100%	16	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	35	70.0%	29	20.4%	4	40.0%
Probation	9	18.0%	74	52.1%	6	60.0%
Deferred Sentence	6	12.0%	10	7.1%	--	-----
Fine Only	--	-----	29	20.4%	--	-----
Totals	50	100%	142	100%	10	100%

Franklin

	No.	% of Total
Serious Crimes Against Property/Person (Felonies):		
Breaking & Entering Night (B&E-n)	25	
Braking & Entering Day (B&E-d)	5	
Grand Larceny (GL)	6	
Assault & Robbery (A&R)	4	
Total	40	13.2%
Serious Crimes Against Person (Felonies):		
Aggravated Assault (AA)	16	
Lewd & Lascivious (L&L)	2	
Kidnapping	3	
Total	21	6.9%
Disorderly & Endangering Crimes (Misdemeanors):		
Annoying Telephone Calls (ATC)	1	
Simple Assault (SA)	18	
Simple Assault on Police Officer (SA/PO)	1	
Reckless Endangering (RE)	1	
Disorderly Conduct (DC)	27	
False Alarm (FA)	1	
Total	49	16.2%
Crimes Against Property (Misdemeanors):		
Petit Larceny (PL)	21	
Receiving Stolen Property (RSP-CSP-PSP)	17	
Unlawful Mischief (UM)	24	
Unlawful Trespass (UT)	9	
Total	71	23.5%
Fraud (Felonies):		
Uttering Forged Instrument (UFI)	4	
False Token (FT)	4	
Embezzlement	1	
Total	9	3.0%
Fraud (Misdemeanors):		
Bad Check	8	2.6%
Motor Vehicle Offenses:		
Driving While License Suspended (DLS)	19	
Careless & Negligent (C&N)	2	
Operating Without Owner's Consent (OOC)	10	
Leaving Scene of Accident (LSA)	4	
Driving While Impaired (DWI)	11 (3.6%)	
Fail to Stop for Officer (FSO)	2	
Total	48	15.9%

Franklin

	No.	% of Total
Drug Related Offenses	4	1.3%
Cruelty to Animals	1	.3%
Escape	17	5.6%
Public Intoxication	29	9.6%
Possession of Burglar's Tools	1	.3%
Inciting a Felony	1	.3%
Damage to Gravestone	1	.3%
Non-Support	1	.3%
Unconsented Sale of Collateral	1	.3%
GRAND TOTAL	302	100%

TABLE N

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

GRAND ISLE COUNTY

Felonies disposed	4	
Felonies partially handled	0	
Felonies transferred to juvenile court	0	
Total		4
Misdemeanors disposed	21	
Misdemeanors partially handled	0	
Misdemeanors transferred to juvenile court	0	
Total		21
Juvenile delinquents disposed	0	
Juvenile CHINS disposed*	0	
Juvenile cases partially handled	0	
Total		0
Miscellaneous charges**		4
GRAND TOTAL		29

*Children in Need of Care or Supervision.
**Probation Violations & Fugitive From Justice primarily.

Grand Isle

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	4	16.0%	21	84.0%	--	-----
Total Charges Disposed**						25

*Including transfer to juvenile court.
**Less miscellaneous charges.
***Includes Delinquency & CHINS.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	3	75.0%	12	57.0%	--	-----
Guilty of reduced charge	1	25.0%	--	-----	--	-----
Not Guilty	--	-----	--	-----	--	-----
Transfer to juvenile court	--	-----	--	-----	--	-----
Nol Pros. & Dismissed	--	-----	9	43.0%	--	-----
Total	4	100%	21	100%	--	-----

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	--	-----	1	7.7%	--	-----
Probation	2	100%	8	61.5%	--	-----
Deferred Sentence	--	-----	--	-----	--	-----
Fine Only	--	-----	4	30.8%	--	-----
Totals	2	100%	13	100%	--	-----

Grand Isle

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Breaking & Entering Night (B&E-n)	2		8.0%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	2		
Simple Assault on Police Officer (SA/PO)	1		
Disorderly Conduct (DC)	4		
Total	7		28.0%
Crimes Against Property (Misdemeanors):			
Stolen Property (RSP-CSP-PSP)	3		
Unlawful Trespass (UT)	1		
Total	4		16.0%
Fraud (Misdemeanors):			
Bad Check (BC)	1		4.0%
Motor Vehicle Offenses:			
Driving While License Suspended (DLS)	5		
Careless & Negligent (C&N)	2		
Driving While Impaired (DWI)	2	(8.0%)	
Total	9		36.0%
Public Intoxication	2		8.0%
GRAND TOTAL	25		100%

TABLE O

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

LAMOILLE COUNTY

Felonies disposed	42	
Felonies partially handled	4	
Felonies transferred to juvenile court	0	
Total		47
Misdemeanors disposed	154	
Misdemeanors partially handled	14	
Misdemeanors transferred to juvenile court	4	
Total		172
Juvenile delinquents disposed	15	
Juvenile CHINS disposed*	11	
Juvenile cases partially handled	0	
Total		26
Miscellaneous charges**		10
GRAND TOTAL		255

*Children in Need of Care or Supervision.
**Probation Violations & Fugitive From Justice primarily.

Lamoille

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	42	18.3%	158	68.7%	30	13.0%
Total Charges Disposed**						230

*Including transfer to juvenile court.
**Less miscellaneous charges.
***Includes Delinquency & CHINS.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	13	31.0%	82	51.9%	10	52.6%
Guilty of reduced charge	8	19.0%	7	4.4%	--	-----
Not Guilty	2	4.8%	3	1.9%	--	-----
Transfer to juvenile court	--	-----	4	2.5%	--	-----
Nol Pros. & Dismissed	19	45.2%	62	39.3%	9	47.4%
Total	42	100%	158	100%	19	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	8	61.5%	32	33.0%	4	40.0%
Probation	4	30.8%	27	27.8%	6	60.0%
Deferred Sentence	--	-----	2	2.1%	--	-----
Fine Only	1	7.7%	36	37.1%	--	-----
Totals	13	100%	97	100%	10	100%

Lamoille

TYPES OF CRIMES

	No.	% of Total
Serious Crimes Against Property/Person (Felonies):		
Breaking & Entering Night (B&E-n)	14	
Breaking & Entering Day (B&E-d)	1	
Grand Larceny (GL)	8	
Total	23	10.4%
Serious Crimes Against Person (Felonies):		
Aggravated Assault (AA)	3	1.3%
Disorderly & Endangering Crimes (Misdemeanors):		
Annoying Telephone Calls	1	
Simple Assault (SA)	9	
Simple Assault on police officer (SA/PO)	2	
Reckless Endangering (RE)	2	
Disorderly Conduct (DC)	19	
Total	33	15.0%
Crimes Against Property (Misdemeanors):		
Petit Larceny (PL)	22	
Stolen Property (RSP-CSP-PSP)	8	
Theft of Services	1	
Unlawful Mischief (UM)	6	
Unlawful Trespass (UT)	7	
Total	44	20.0%
Fraud (Felonies):		
Forgery	5	
False Toekn (FT)	7	
Extortion	1	
Total	13	5.9%
Fraud (Misdemeanors):		
Bad Check (BC)	29	13.2%
Motor Vehicle Offenses:		
Driving While License Suspended (DLS)	17	
Carless & Negligent (C&N)	6	
Operating Without Owner's Consent (OOC)	3	
Leaving Scene of Accident (LSA)	4	
Driving While Impaired (DWI)	16 (7.3%)	
Total	46	20.9%

Lamoille

TYPES OF CRIMES

	No.	% of Total
Drug Related Offenses	5	2.3%
Sale malt beverage to minor	1	.5%
Possession malt beverage	1	.5%
Intoxication	10	4.5%
Fish & Game Violations	7	3.2%
Littering	3	1.3%
Fail to give medical assistance	1	.5%
Child abuse	1	.5%
GRAND TOTAL	220	100%

TABLE P

RUTLAND COUNTY/DISTRICT*

A two-defender district, Rutland was assigned 864 offenses against 412 persons. The office experienced a net gain in caseload of 10%.

Public Defender: Barry E. Griffith
Deputy Public Defender: Thaddeus R. Lorentz
98 Merchants Row
Rutland, Vermont 05701
(802) 775-1928

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	185	
Felonies partially handled	4	
Felonies transferred to juvenile court	2	
Total		191
Misdemeanors disposed	465	
Misdemeanors partially handled	12	
Misdemeanors transferred to juvenile court	2	
Total		479
Juvenile delinquents disposed	26	
Juvenile CHINS disposed**	75	
Juvenile cases partially handled	1	
Total		102
Miscellaneous charges***		14
GRAND TOTAL		786

*One Public Defender and One Deputy Public Defender
**Children in Need of Care or Supervision
***Probation Violations & Fugitive From Justice primarily

Rutland

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	187	24.6%	467	61.5%	105	13.8%

Total Charges Disposed**	759
TOTAL CHARGES ADDED DURING FY'76	864
TOTAL CHARGES DISPOSED DURING FY'76	786
TOTAL CHARGES NET GAIN (LOSS)	78

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	63	33.7%	225	48.2%	18	60.0%
Guilty of reduced charge	33	17.6%	55	11.8%	--	-----
Not Guilty	--	-----	1	.2%	--	-----
Transfer to juvenile court	2	1.1%	2	.4%	--	-----
Nol Pros. & Dismissed	89	47.6%	184	39.4%	12	40.0%
Total	187	100%	467	100%	30	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	51	63.7%	82	26.4%	6	33.3%
Probation	15	18.8%	70	22.5%	12	66.7%
Deferred Sentence	8	10.0%	16	5.1%	--	-----
Fine Only	6	7.5%	143	46.0%	--	-----
Totals	80	100%	311	100%	18	100%

Rutland

TYPES OF CRIMES

	No.	% of Total
Serious Crimes Against Property/Person (Felonies):		
Arson	3	
Breaking & Entering Night (B&E-n)	33	
Breaking & Entering Day (B&E-d)	16	
Grand Larceny (GL)	46	
Assault & Robbery (A&R)	5	
Total	103	15.4%
Serious Crimes Against Person (Felonies):		
Aggravated Assault (AA)	13	
Lewd & Lascivious (L&L)	6	
Fellatio	1	
Rape	1	
Kidnapping	2	
Incest	1	
Total	24	3.6%
Disorderly & Endangering Crimes (Misdemeanors):		
Simple Assault (SA)	30	
Reckless Endangering (RE)	3	
Disorderly Conduct (DC)	56	
False Alarm (FA)	3	
Noise in Night	1	
Total	93	13.9%
Crimes Against Property (Misdemeanors):		
Petit Larceny (PL)	46	
Stolen Property (RSP-CSP-PSP)	8	
Theft of Services	4	
Unlawful Mischief (UM)	21	
Unlawful Trespass (UT)	8	
Total	87	13.0%
Fraud (Felonies):		
Forgery	24	
Uttering Forged Instrument (UFI)	3	
False Pretense	1	
False Token (FT)	13	
Embezzlement	2	
Total	43	6.4%
Fraud (Misdemeanors):		
False statement	3	
Welfare Fraud (WF)	1	
Bad Check (BC)	36	
Total	40	6.0%
Motor Vehicle Offenses:		
Driving While License Suspended (DLS)	62	
Careless & Negligent (C&N)	60	

Rutland

TYPES OF CRIMES

	No.	% of Total
Operating Without Owner's Consent (OOC)	6	
Leaving Scene of Accident (LSA)	14	
Driving While Impaired (DWI)	68 (10.2%)	
Fail to stop for Officer (FSO)	5	
Driving Without a License	1	
Fail to report accident	1	
Total	217	32.4%
Drug Related Offenses	7	1.0%
Sale malt beverage to minor	3	.4%
Possession of a malt beverage	1	.2%
Escape	9	1.3%
Intoxication	24	3.6%
Fish & Game Violations	10	1.5%
Littering	3	.4%
Non-Support	4	.6%
Contributing to delinquency	1	.2%
GRAND TOTAL	669	100%

TABLE Q

WASHINGTON COUNTY/DISTRICT*

Once combined with Orange County, Washington County was changed to a one-county district during fiscal 1976. At the close of fiscal 1976, the public defender and deputy public defender resigned. A small net gain in caseload of 4.4% was experienced. The district court assigned 429 individuals charged with 694 offenses, while the office closed 665 cases.

Public Defender:	Robert T. Gaston (resigned 8/1/76) Andrew B. Crane
Deputy Public Defender:	James Ritvo (resigned 8/1/76) 43 State Street Montpelier, Vermont 05602 (802) 828-2737

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	92	
Felonies partially handled	29	
Felonies transferred to juvenile court	4	
Total		125
Misdemeanors disposed	429	
Misdemeanors partially handled	44	
Misdemeanors transferred to juvenile court	2	
Total		475
Juvenile delinquents disposed	8	
Juvenile CHINS disposed**	14	
Juvenile cases partially handled	0	
Total		22
Miscellaneous charges		43
GRAND TOTAL		665

*One Public Defender and One Deputy Public Defender
**Children in Need of Care or Supervision
***Probation Violations & Fugitive From Justice primarily

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	96	17.3%	431	77.7%	28	5.0%

Total Charges Disposed**	555
TOTAL CHARGES ADDED DURING FY'76	694
TOTAL CHARGES DISPOSED DURING FY'76	665
TOTAL CHARGES NET GAIN (LOSS)	29

*Including transfer to juvenile court.
**Less miscellaneous charges.
***Includes Delinquency & CHINS.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	25	26.0%	210	48.7%	13	92.9%
Guilty of reduced charge	29	30.2%	56	13.0%	--	-----
Not Guilty	--	-----	4	.9%	--	-----
Transfer to juvenile court	4	4.2%	2	.5%	--	-----
Nol Pros. & Dismissed	38	39.6%	159	36.9%	1	7.1%
Total	96	100%	431	100%	14	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	19	73.1%	62	21.1%	4	30.8%
Probation	7	26.9%	97	33.0%	9	69.2%
Deferred Sentence	--	-----	5	1.7%	--	-----
Fine Only	--	-----	130	44.2%	--	-----
Totals	26	100%	294	100%	13	100%

Washington

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Arson	2		
Breaking & Entering Night (B&E-n)	29		
Breaking & Entering Day (B&E-d)	12		
Grand Larceny (GL)	20		
Assault & Robbery (A&R)	1		
Total	64		10.7%
Serious Crimes Against Person (Felonies):			
Aggravated Assault (AA)	7		
Lewd & Lascivious (L&L)	2		
Rape	2		
Total	11		1.8%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	28		
Reckless Endangering (RE)	7		
Disorderly Conduct (DC)	49		
Simple Assault on Police Officer (SA/PO)	3		
False Alarm (FA)	2		
Total	89		14.8%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	36		
Stolen Property (RSP-CSP-PSP)	10		
Unlawful Mischief (UM)	10		
Unlawful Trespass (UT)	5		
Theft of Carrier	1		
Total	62		10.3%
Fraud (Felonies):			
Forgery	5		
False Token (FT)	19		
Forged Prescription	9		
Stolen credit card	1		
Total	34		5.7%
Fraud (Misdemeanors):			
False Information to Police Officer (FIO)	1		
Welfare Fraud (WF)	1		
Bad Check (BC)	64		
Total	66		11.0%
Motor Vehicle Offenses:			
Driving While License Suspended (DLS)	62		
Carelss & Negligent (C&N)	25		
Operating Without Owner's Consent (OOC)	17		
Leaving Scene of Accident (LSA)	19		
Driving While Impaired (DWI)	66	(11.0%)	
Attempt to elude police officer (EPO)	7		
Altering driver's license	1		
Careless & Negligent (FATAL)	1		
Fail to stop for officer (FSO)	1		
Total	199		33.1%

TYPES OF CRIMES

	No.	% of Total
Drug Related Offenses	12	2.0%
Sale malt beverage to minor	2	.3%
Escape	2	.3%
Intoxication	46	7.6%
Contempt of Court	1	.1%
Fish & Game Violations	3	.5%
Littering	1	.2%
Impede police officer	2	.3%
Accessory to a felony	1	.2%
Obstructing a highway	1	.2%
Electrical interference	4	.7%
Possession of switchblade	1	.2%
GRAND TOTAL	601	100%

TABLE R

WINDHAM COUNTY/DISTRICT*

Windham experienced the largest percentage increase in caseload during the year, 21%. Two hundred twenty-three persons charged with 433 offenses were assigned.

Public Defender:

Paul S. Berch
P. O. Box 697
40 High Street
Brattleboro, Vermont 05301
(802) 254-2351

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	89	
Felonies partially handled	10	
Felonies transferred to juvenile court	0	
Total		99
Misdemeanors disposed	194	
Misdemeanors partially handled	3	
Misdemeanors transferred to juvenile court	0	
Total		197
Juvenile delinquents disposed	30	
Juvenile CHINS disposed**	20	
Juvenile cases partially handled	1	
Total		51
Miscellaneous charges		11
GRAND TOTAL		358

*One Public Defender
**Children in Need of Care or Supervision
***Probation Violations & Fugitive From Justice primarily

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	89	26.7%	194	58.3%	50	15.0%

Total Charges Disposed**	333
TOTAL CHARGES ADDED DURING FY'76	433
TOTAL CHARGES DISPOSED DURING FY'76	358
TOTAL CHARGES NET GAIN (LOSS)	75

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	20	22.5%	68	35.0%	20	66.7%
Guilty of reduced charge	5	5.6%	3	1.6%	--	-----
Not Guilty	--	-----	--	-----	--	-----
Transfer to juvenile court	--	-----	--	-----	--	-----
Nol Pros. & Dismissed	64	71.9%	123	63.4%	10	33.3%
Total	89	100%	194	100%	30	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	3	14.3%	5	6.6%	3	15.0%
Probation	6	28.6%	24	31.6%	17	85.0%
Deferred Sentence	8	38.1%	1	1.3%	--	-----
Fine Only	4	19.0%	46	60.5%	---	-----
Totals	21	100%	76	100%	20	100%

Windham

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies):			
Breaking & Entering Night (B&E-n)	19		
Breaking & Entering Day (B&E-d)	6		
Grand Larceny (GL)	27		
Total	52		17.6%
Serious Crimes Against Person (Felonies):			
Aggravated Assault (AA)	6		
Lewd & Lascivious (L&L)	4		
Total	10		3.4%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	6		
Reckless Endangering (RE)	4		
Disorderly Conduct (DC)	33		
Total	43		14.5%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	16		
Stolen Property (RSP-CSP-PSP)	18		
Unlawful Mischief (UM)	3		
Unlawful Trespass (UT)	7		
Total	44		14.9%
Fraud (Felonies):			
Forgery	10		
Fraud	3		
False Token (FT)	1		
Total	14		4.7%
Fraud (Misdemeanor):			
Welfare Fraud (WF)	2		
Bad Check (BC)	5		
Total	7		2.4%
Motor Vehicle Offenses:			
Driving While License Suspended (DLS)	24		
Careless & Negligent (C&N)	11		
Operation without Owner's Consent (OOC)	6		
Leaving Scene of Accident (LSA)	2		
Driving While Impaired (DWI)	51	(17.2%)	
Attempt to elude police officer (AEPO)	2		
Defacing license plate	1		
Fail to stop for officer (FSO)	6		
Driving to Endanger (DtoE)	1		
Defective Equipment (DE)	1		
Vehicle Not Registered (VNR)	2		
Total	107		36.1%

TYPES OF CRIMES

	No.	% of Total
Drug related offenses	14	4.7%
Fish & Game Violations	1	.3%
Possession of a malt beverage	2	.7%
Non-support	1	.3%
Failure to attend school	1	.3%
GRAND TOTAL	296	100%

TABLE S

WINDSOR/ORANGE DISTRICT*

Orange County was combined with Windsor County to form one public defender district during the year. Having the largest caseload of any two-lawyer district, this office located in White River Jct., was assigned 573 individuals charged with 1,066 offenses leaving a net gain at the close of fiscal 1976 of 45 cases or a 4.4% increase in pending caseload.

Public Defender:	Donald A. Graham
Deputy Public Defender:	Peter F. Welch
	P. O. Box 68
	16 Main Street
	White River Jct., Vermont 05001
	(802) 295-9347

Fiscal Year 1976

Cases Handled By Public Defenders And Disposed Charges

Felonies disposed	219	
Felonies partially handled	23	
Felonies transferred to juvenile court	7	
Total		249
Misdemeanors disposed	561	
Misdemeanors partially handled	24	
Misdemeanors transferred to juvenile court	19	
Total		604
Juvenile delinquents disposed	81	
Juvenile CHINS disposed**	44	
Juvenile cases partially handled	14	
Total		139
Miscellaneous charges***		29
GRAND TOTAL		1,021

*One Public Defender and One Deputy Public Defender
**Children in Need of Care or Supervision
***Probation Violations primarily

Windsor/Orange

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	226	23.6%	580	60.6%	151	15.8%

Total Charges Disposed**	957
TOTAL CHARGES ADDED DURING FY'76	1066
TOTAL CHARGES DISPOSED DURING FY'76	1021
TOTAL CHARGES NET GAIN (LOSS)	45

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	39	17.3%	172	29.7%	59	55.1%
Guilty of reduced charge	78	34.6%	91	15.7%	--	-----
Not Guilty	1	.4%	2	.3%	--	-----
Transfer to juvenile court	7	3.1%	19	3.3%	--	-----
Nol Pros. & Dismissed	101	44.7%	296	51.0%	48	44.9%
Total	226	100%	580	100%	107	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	24	51.1%	41	12.3%	12	20.3%
Probation	20	42.6%	131	39.3%	47	79.7%
Deferred Sentence	2	4.3%	5	1.5%	--	-----
Fine Only	1	2.0%	156	46.8%	--	-----
Totals	47	100%	333	100%	59	100%

TABLE T

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

WINDSOR COUNTY

Felonies disposed	186	
Felonies partially handled	20	
Felonies transferred to juvenile court	7	
Total		213
Misdemeanors disposed	423	
Misdemeanors partially handled	18	
Misdemeanors transferred to juvenile court	14	
Total		455
Juvenile delinquents disposed	70	
Juvenile CHINS disposed*	43	
Juvenile cases partially handled	7	
Total		120
Miscellaneous charges**		27
GRAND TOTAL		815

*Children in Need of Care or Supervision.
**Probation Violations & Fugitive From Justice primarily.

Windsor

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	193	25.3%	437	57.2%	134	17.5%

Total Charges Disposed**	764
TOTAL CHARGES ADDED DURING FY'76	831
TOTAL CHARGES DISPOSED DURING FY'76	815
TOTAL CHARGES NET GAIN (LOSS)	16

*Including transfer to juvenile court.
**Less miscellaneous charges.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	32	16.6%	115	26.3%	46	50.5%
Guilty of reduced charge	67	34.7%	81	18.5%	--	-----
Not Guilty	1	.5%	--	-----	--	-----
Transfer to juvenile court	7	3.6%	14	3.2%	--	-----
Nol Pros. & Dismissed	86	44.6%	227	51.9%	45	49.5%
Total	193	100%	437	100%	91	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	21	52.5%	33	12.9%	7	15.2%
Probation	18	45.0%	109	42.7%	39	84.8%
Deferred Sentence	--	-----	5	2.0%	--	-----
Fine Only	1	2.5%	108	42.4%	--	-----
Totals	40	100%	255	100%	46	100%

Windsor

TYPES OF CRIMES

	No.	% of Total
Serious Crimes Against Property/Person (Felonies):		
Arson	1	
Breaking & Entering Night (B&E-n)	34	
Breaking & Entering Day (B&E-d)	10	
Grand Larceny (GL)	45	
Assault & Robbery	5	
Total	95	14.3%
Serious Crimes Against Person (Felonies):		
Aggravated Assault (AA)	17	
Lewd & Lascivious (L&L)	11	
Fellatio	2	
Rape	5	
Ttoal	35	5.3%
Disorderly & Endangering Crimes (Misdemeanors):		
Simple Assault (SA)	52	
Reckless Endangering (RE)	6	
Disorderly Conduct (DC)	26	
Annoying Telephone Calls	1	
Noise in Night	1	
False Alarm	3	
Total	89	13.4%
Crimes Against Property (Misdemeanors):		
Petit Larceny (PL)	45	
Stolen Property (RSP-CSP-PSP)	28	
Theft of Services	2	
Unlawful Mischief (UM)	30	
Unlawful Trespass (UT)	7	
Total	112	16.8%
Fraud (Felonies):		
Forgery	5	
Uttering Forged Instrument (UFI)	3	
False Personation	1	
False Token (FT)	4	
Extortion	1	
Counterfeiting	2	
Total	16	2.4%
Fraud (Misdemeanors):		
False Information to Officer (FIO)	5	
Welfare Fraud (WF)	4	
Bad Check (BC)	5	
Total	14	2.1%
Motor Vehicle Offenses:		
Driving While License Suspended (DLS)	30	
Careless & Negligent (C&N)	60	

Windsor

TYPES OF CRIMES

	No.		% of Total
Operating Without Owner's Consent (OOC)	9		
Leaving Scene of Accident (LSA)	16		
Driving While Impaired (DWI)	65	(9.8%)	
Fail to Stop for Officer (FSO)	6		
Driving Without a License (DWOL)	4		
Defective Equipment (DE)	1		
Unmarked Load (UL)	1		
Vehicle Not Inspected (VNI)	1		
Total	194		29.2%
Drug Related Offenses	34		5.1%
Sale malt beverage to minor	3		.5%
Possession malt beverage	2		.3%
Cruelty to animals	2		.3%
Escape	19		2.9%
Public Intoxication	37		5.6%
Contempt of Court	2		.3%
Fish & Game violations	4		.6%
Littering	3		.5%
Impeding police officer	4		.6%
GRAND TOTAL	665		100%

TABLE U

FISCAL YEAR 1976

CASES HANDLED BY PUBLIC DEFENDERS AND DISPOSED CHARGES

ORANGE COUNTY

Felonies disposed	33	
Felonies partially handled	3	
Felonies transferred to juvenile court	0	
Total		36
Misdemeanors disposed	138	
Misdemeanors partially handled	6	
Misdemeanors transferred to juvenile court	5	
Total		149
Juvenile delinquents disposed	11	
Juvenile CHINS disposed*	1	
Juvenile cases partially handled	7	
Total		19
Miscellaneous charges**		2
GRAND TOTAL		206

*Children in Need of Care or Supervision.
**Probation Violations primarily.

Orange

RATIO OF TYPES OF CASES

	FELONIES		MISDEMEANORS		JUVENILE***	
	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed	No.	% of Total Charges Disposed
Charges Disposed*	33	17.1%	143	74.1%	17	8.8%

Total Charges Disposed**	193
TOTAL CHARGES ADDED DURING FY'76	235
TOTAL CHARGES DISPOSED DURING FY'76	206
TOTAL CHARGES NET GAIN (LOSS)	29

*Including transfer to juvenile court.
**Less miscellaneous charges.
***Includes Delinquency & CHINS.

DISPOSITION RESULTS

	FELONIES*		MISDEMEANORS*		JUVENILE DELINQ.*	
	No.	% of Total Charges	No.	% of Total Charges	No.	% of Total Charges
Guilty as charged	7	21.2%	57	39.8%	13	81.3%
Guilty of reduced charge	11	33.3%	10	7.0%	--	-----
Not Guilty	--	-----	2	1.4%	--	-----
Transfer to juvenile court	--	-----	5	3.5%	--	-----
Nol Pros. & Dismissed	15	45.5%	69	48.3%	3	18.7%
Total	33	100%	143	100%	16	100%

*Disposed.

DISPOSITIONS AFTER CONVICTION

	FELONIES		MISDEMEANORS		JUVENILE DELINQ.	
	No.	% of Total	No.	% of Total	No.	% of Total
Time Served	3	42.8%	8	10.3%	5	38.5%
Probation	2	28.6%	22	28.2%	8	61.5%
Deferred Sentence	2	28.6%	--	-----	--	-----
Fine Only	--	-----	48	61.5%	--	-----
Totals	7	100%	78	100%	13	100%

Orange

TYPES OF CRIMES

	No.		% of Total
Serious Crimes Against Property/Person (Felonies)			
Arson	1		
Breaking & Entering Night (B&E-n)	13		
Breaking & Entering Day (B&E-d)	3		
Grand Larceny (GL)	3		
Total	20		10.8%
Serious Crimes Against Person (Felonies):			
Lewd & Lascivious (L&L)	2		1.0%
Disorderly & Endangering Crimes (Misdemeanors):			
Simple Assault (SA)	7		
Reckless Endangering (RE)	1		
Disorderly Conduct (DC)	6		
Total	14		7.5%
Crimes Against Property (Misdemeanors):			
Petit Larceny (PL)	17		
Stolen Property (RSP-CSP-PSP)	6		
Unlawful Mischief (UM)	4		
Unlawful Trespass (UT)	4		
Total	31		16.7%
Fraud (Felonies):			
Extortion	1		.5%
Fraud (Misdemeanors):			
Bad Check (BC)	8		4.3%
Motor Vehicle Offenses:			
Driving While License Suspended (DLS)	17		
Careless & Negligent (C&N)	19		
Operating Without Owner's Consent (OOC)	6		
Leaving Scene of Accident (LSA)	7		
Driving While Impaired (DWI)	34	(18.3%)	
Fail to Stop for Officer (FSO)	1		
Total	84		45.2%
Drug Related Offenses	10		5.4%
Possess of malt beverage	1		.5%
Tampering with electricity	2		1.1%
Public Intoxication	4		2.2%
Contempt of Court	1		.5%
Fish & Game Violations	8		4.3%
GRAND TOTAL	186		100%

APPENDIX A

APPEALS

The Appellate Defender is primarily responsible for the appellate practice generating from appeals filed by both public defenders and assigned counsel in matters involving indigent criminal defendants. Rather than having each public defender or assigned counsel handle their own appeals, the appellate practice has been, for the most part, consolidated in the office of the appellate defender. This allows for more effective supervision of the appellate caseload and the development of a substantive and procedural familiarity with appellate practice in this state to provide more effective services for criminal defendants. This consolidation of most* appellate work also results in costs savings to the State of Vermont.

An increase in appellate practice is felt only in the appellate defender's office and not throughout the trial public defender's offices. Without an appellate defender, such increases would require additional resources to be provided to each public defender to handle the increased workload. By concentrating the appellate workload, an increase in the appellate workload does not result in increased resources being committed to the public defender offices.

Other methods of exercising cost control are at work: for instance, independent evaluations by an experienced appellate attorney as to the probability of success of each appeal. Such evaluations allow for the settlement of appeals that demonstrate little chance of placing a defendant in a better legal position as a consequence of a judicial opinion. Evaluations of appeals not only constitute an effective cost control mechanism, but also indirectly reduce judicial costs as well. Advancing an appeal that has little chance of success constitutes not only unnecessary drain of the resources of the appellate defender but also requires the utilization of judicial time and effort in hearing the arguments on that appeal and preparing a judicial opinion.

The success of this office in presenting appeals to the Vermont Supreme Court has, in and of itself, demonstrated the need for an appellate defender. This office has obtained favorable decisions in over half of the cases presented to the Supreme Court in oral argument. Of 26 cases argued before the Supreme Court in fiscal year 1976, 15 were successful, a success rate of 58%.

In fiscal year 1976, 19 cases were settled rather than presented to the Vermont Supreme Court for decisions to be rendered. Some of those cases were dismissed with consent of the client when an indepth examination of the appeal revealed little chance of success on appeal. However, more often where a substantial chance of success was noted, negotiations with the State's Attorney allowed a disposition acceptable both to the state and to the appellate defender's client. Where obvious

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*Some appellate cases (less than 10 a year) are handled by the public defender who handled the trial. Although public defenders may handle their own appeals, few are handled because of the excessive caseloads in their respective districts and a belief that the appellate defender is better equipped, with skill and resource materials, to pursue the appeal.

CONTINUED

1 OF 2

error was demonstrated at the trial below, a resentencing was agreed to which allowed the client to be released from custody at a date earlier than originally sentenced.

Other cases wherein a sentence of incarceration was stayed pending an appeal, a fine was negotiated in lieu of the sentence, which in turn resulted in the dismissal of the appeal by the client. Each disposition of this nature allowed the appeal to be disposed of without the necessity of a brief being prepared or arguments being had before the Supreme Court. The individuals whose man-hours would have been expended were all state employees; thus each settlement resulted in considerable cost saving to the State of Vermont.

It is to be noted that the appellate defender in Vermont's Public Defender System achieved in FY 1976 the best record of success for his clients in the appellate process of any public defender system in the country, with a concomitant record in economy (handling twice the caseload recommended nationwide).

APPENDIX B

ASSIGNED COUNSEL

In Fiscal Year 1976, there were 180 private attorneys throughout the state assigned to the defense of criminally accused indigents charged with 917 separate offenses. These cases ranged from a petty misdemeanor which cost the state less than $20, to a murder which cost the state almost $9,000. The three attached Tables summarize the assigned counsel activity in each of the public defender districts.

Cases assigned to private counsel as a percentage of public defender cases range from 13% in Rutland to 32% in Windsor/Orange, with an average of 20.7% (Table 2). These cases cost a total of $137,000, not inclusing any overhead cost to the Office of the Defender General or the state for processing the payments (Table 1). Cases were fairly evenly divided between felonies (36%), misdemeanors (28%), and juveniles (21%) (Table 3).

The average cost per assigned counsel case was $165 or 70% above the comparable public defender case cost of $97.00.

Table 1
ASSIGNED COUNSEL
Cost Per Case

	Dollars	Cases	Cost Per Case (No Overhead)	Cost Per Case With Overhead of $15,000
Addison	$ 10,352.31	67	$ 154.51	$ 170.87
Bennington	4,925.07	61	80.74	97.10
C/E/O	8,818.68	90	97.99	114.34
Chittenden	11,732.35	109	107.64	123.99
F/GI/L	9,200.91	92	100.01	116.37
Rutland	8,439.25	77	109.60	125.96
Washington	13,341.22	133	100.31	116.67
Orange	9,047.89	44	205.63	222.68
Windsor	29,338.63	183	160.32	176.68
Windham	2,988.48	40	74.71	91.07
	$108,184,79	896	$ 120.74	$ 137.10
Superior Court	23,919.22	6	3,986.54	4,002.90
Supreme Court	3,223.38	8	402.92	419.28
Other	1,330.37	7	190.05	206.41
	$136,657.76	917	$ 149.03	$ 165.38*

*Comparable Public Defender Case Cost = $97.13

Table 2

Public Defender - Assigned Counsel

Cases Closed

Fiscal Year 1976

	P.D. Cases Closed	A.C. Cases Closed	Percentage
Addison	276	67	24.3
Bennington	246	61	24.8
C(331)/E(62)/O(117)	510	90	17.7
Chittenden	554	109	19.7
F(302)/GI(22)/L(238)	562	92	16.4
Rutland	589	77	13.1
Washington	592	133	22.5
Orange	135	44	32.6
Windsor	568	183	32.2
Windham	295	40	13.6
Totals	4,327	896	20.7

Table 3

ASSIGNED COUNSEL

Types of Offenses

Fiscal Year 1976

	FELONIES		MISDEMEANORS		JUVENILES		OTHER		
	Cases	% of Caseload	Cases	% of Caseload	Cases	% of Caseload	Cases	% of Caseload	Total Cases
Addison	33	49%	31	46%	2	3%	1	2%	67
Bennington	26	43%	8	13%	22	36%	5	8%	61
C/E/O	35	39%	28	31%	25	28%	2	2%	90
Chittenden	39	36%	29	27%	35	32%	6	5%	109
F/GI/L	40	43%	35	38%	10	11%	7	8%	92
Rutland	28	36%	12	16%	36	47%	1	1%	77
Washington	34	25%	53	40%	38	29%	8	6%	133
Orange	19	43%	11	25%	13	30%	1	2%	44
Windsor	58	32%	33	18%	81	44%	11	6%	183
Windham	13	33%	7	17%	15	38%	5	12%	40
TOTAL DISTRICT COURT CASES	325	36%	247	28%	277	31%	47	5%	896

END