

Legislators Make Laws Chittenden County Ignores

In reading Vermont statutes, one becomes aware of terms such as “shall” and “may”. When you see a statute that describes a crime and it stipulates that something “shall” happen, it means that the Legislature intended that it should happen. It’s not optional, because if it was optional the Legislature would have used the word “may”.

Let’s consider aggravated assault with a deadly weapon ([13 VSA § 1024\(a\)\(5\)](#)) for example.

Of all Vermont criminal statutes involving firearms or deadly weapons, this crime had the highest number of active cases across the state in both 2021 (102 active cases) and 2022 (125 active cases). Per that statute, a person is guilty of aggravated assault with a deadly weapon if the person is *“armed with a deadly weapon and threatens to use the deadly weapon on another person”*.

It then states: *“A person found guilty of violating...this section shall be imprisoned for not more than five years or fined not more than \$5,000 or both.”*

That language seems simple and straight-forward. Based on that wording, I believe a layman would understand that if a perpetrator was found to have committed aggravated assault while threatening a person with a deadly weapon, society would be protected because the perpetrator would be punished by some prison time, possibly a fine, or both. That’s what the Legislature wanted: There SHALL BE punishment for this serious violent crime.

Looking at court case reports for Chittenden County from Vermont’s new Odyssey case-tracking system, we see that there were **19** active cases involving that crime at the end of 2021. Across 2021, **7** cases were dismissed for that crime, and **1** found guilty.

At the end of 2022, case data for Chittenden County showed **35** active cases involving that crime, with **11** dismissed and **4** found guilty.

A total of **54** active cases across two years; with **18** cases dismissed and only **5** found guilty?

When a case is brought to court, it is assumed that a prosecutor has done the required due diligence to ensure that there is enough evidence to make a given charge “stick.” If that is indeed true, how can it be that we are dismissing so many cases, and finding so few guilty?

Let’s look at another law, committing a felony while carrying a weapon ([13 VSA § 4005](#)). This law states that a *“a person who carries a dangerous or deadly weapon, openly or concealed, while committing a felony shall be imprisoned not more than five years or fined not more than \$500, or both”*.

According to 2021 court data: There were **ZERO** active cases, **ZERO** dismissed and **ZERO** guilty of that offense in Chittenden County. 2022 court data for Chittenden County shows **1** active, **ZERO** dismissed and **ZERO** guilty.

With so much crime being committed in Chittenden County, and with all the violence we have been

reading about there, how can that be? Only one criminal case could be prosecuted across 2 years where a perpetrator was found in Chittenden County to have committed a felony while carrying a dangerous or deadly weapon?

And what about persons prohibited from possessing firearms ([13 § 4017\(a\)](#))? This law states: “A person shall not possess a firearm if the person has been convicted of a violent crime”. It then states: “A person who violates this section shall be imprisoned not more than two years or fined not more than \$1,000, or both”.

At the end of 2021, Chittenden County had **4** active cases for that crime, with **2** dismissed and **ZERO** guilty verdicts. For 2022, Chittenden County had **3** active, **2** dismissed and again **ZERO** guilty verdicts.

How can that be? For two years there was not even 1 felon found in Chittenden County that possessed an illegal gun who deserved to face the legal consequences of being found guilty?

The primary explanation for these numbers appears to be that violent crime is not being aggressively prosecuted in Chittenden County, which in turn goes a long way towards explaining the notable rise in violent crime in that county. Above are just 3 examples, and as one might expect, there are more.

Yes, there is “judicial discretion”. However: Consistently failing to impose consequences in defiance of the Legislative intent of existing laws is another matter altogether. It is Judicial over-reach; their job is to apply our laws – not actively work to undermine them - and ignoring laws that have demonstrably kept Vermont safe can only result in exactly what we are seeing: More and more violent crime.

For years and years and years, Vermont was CONSISTENTLY in the top 3 safest states in the nation regarding Violent Crime and Property Crime per the FBI. Thanks to our Legislature but especially our Judicial System, we have now slid to 4th safest state for violent crime, and 8th safest state for property crime.

Violent crimes require punishment. That means getting tough on criminals, not coddling them and therein lies the problem: Chittenden County is actively coddling violent criminals in defiance of state law, and law-abiding citizens are not safer as a result.