

AMENDED MITTIMUS TO COMMISSIONER OF CORRECTIONS

Vermont Superior Court  
Orleans Criminal Division

Re: Sheddric, Kenneth  
Date of Order: 03/27/20  
Date of Birth: 08/05/1965  
Pros: Michael A. Cricchi  
Atty: Jill E. Jourdan

372-6-18 Oscr

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF VERMONT

You are ordered to commit the above-named defendant to the Commissioner of Corrections or an authorized representative who is ordered to receive the defendant in accordance with the following sentence(s):

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372-6-18 Oscr Ct. 1: Title 13 VSA 1028(1)  
ASSAULT-SIMPLE-ATTEMPTED BY MENACE LE OFFICER  
Minimum: 12 Mos Maximum: 24 Mos All susp. but 87 Days  
Credit for time served according to law  
Sentence to commence 01/08/20

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By Order of the Court: John L. Pacht Judge John L. Pacht

OFFICER'S RETURN

By Authority of this mittimus, I committed the above named defendant to  
the \_\_\_\_\_ AM/PM  
Location/Corr. Facility Date Time

and left the Supervising Officer of the facility a copy of this Mittimus with my return.

\_\_\_\_\_  
Officer's Signature Title

A M E N D E D P R O B A T I O N O R D E R

Vermont Superior Court  
Orleans Criminal Division

Re: Sheddrick, Kenneth

Date of Order: 03/27/20

TO THE COMMISSIONER OF CORRECTIONS: The above named defendant was convicted and sentenced as follows:

	Minimum	Maximum	All Suspended
372-6-18 Oscr 1 Title 13 VSA 1028(1)	12 MO	24 MO	But 87 DAYS
ASSAULT-SIMPLE-ATTEMPTED BY MENACE LE OFFICER			
Term Expires: January 7, 2022			

The execution of the sentence is partially suspended and the defendant is placed on probation in the care and custody of the Commissioner of Corrections for the term(s) as shown above under the following conditions:

STANDARD CONDITIONS OF PROBATION

- A. You shall not be convicted of another crime or engage in criminal behavior.
- B. You shall give your probation officer your home address, mailing address, telephone number, and email address. If any of those change, you must notify your probation officer within 24 hours.
- C. You shall notify your probation officer within 72 hours if you are arrested or given a citation.
- D. You must meet with your probation officer at reasonable times as directed by a judge or your probation officer. Upon request, you must allow your probation officer to visit you at reasonable times wherever you are staying.
- E. Your probation officer may restrict or prohibit travel to any state as required by the Interstate Compact For Adult Offender Supervision.
- F. You shall provide your probation officer with the location of your job and employment status. If you change or lose your job, you must notify your probation officer within 72 hours.

OTHER CONDITIONS:


2. You shall not drink alcoholic beverages to the extent they interfere with your employment or the welfare of your family, yourself or any other person.
6. You shall submit to breath-alcohol testing upon request of your probation officer.
10. You shall submit to a warrantless search of your person, belongings, residence or vehicle if your probation officer has a reasonable suspicion that you possess alcohol, drugs or contraband in violation of these conditions.

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11. You shall comply with the requirements of electronic monitoring (e.g. GPS or SCRAM), as directed by your probation officer.
13. You must have a screening for the issues that are marked below. You must complete the screening by the date established by your probation officer. If the screening recommends that counseling or treatment is needed, including residential treatment, you must complete the counseling or treatment as directed by your probation officer. You must attend and comply with the counseling or treatment requirements and satisfy those requirements.
  - (a) Alcohol
  - (c) Mental Health
14. You must sign any required waivers or releases and allow any treatment or counseling provider to tell your probation officer and the court about your attendance and participation in the counseling or treatment, and about the results of any substance abuse or alcohol urinalyses taken by you in connection with the counseling or treatment.
20. You shall not have contact with KS, which includes all forms of written, oral, electronic, social media, or other direct contact and all forms of indirect contact through third parties, except .
21. Your probation officer may limit or prohibit contact with KS during the term of probation based upon the person's request.
22. You shall not abuse or harass Karen Sherman. Such conduct includes actions directed at a specific person, or a member of the person's family that would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury or death, including but not limited to verbal threats, written, telephonic or other electronically communicated threats, vandalism, or physical contact without consent. It also includes multiple attempts to communicate with the person after the person has informed the probationer that such contact is not welcome.

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- 23. You shall not engage in violent or threatening behavior. Violent behavior includes physical contact with another without consent, unlawful restraint of another, or physical contact by mutual affray. Threatening behavior is conduct that would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.
- 28. You must complete 50 hours of community service at the direction and to the satisfaction of your probation officer.
- 34. Standard conditions: A-D

By Order of the Court:   
 Judge John L. Pacht

I received a copy of this Probation Order.

\_\_\_\_\_  
 Defendant's Signature      Date

I understand these conditions and I agree to follow them. I understand that if I do not follow these conditions, the court may require me to serve my full sentence in jail.

\_\_\_\_\_  
 Probation Officer      Date      \_\_\_\_\_  
 Defendant      Date

STATE OF VERMONT

SUPERIOR COURT  
Orleans Unit

CRIMINAL DIVISION  
Docket No. 372-6-18 Oscr

State vs. Sheddrick, Kenneth

**ENTRY REGARDING MOTION**

Count 1, ASSAULT-SIMPLE-ATTEMPTED BY MENACE LE OFFICER (372-6-18 Oscr)  
Count 2, DISORDERLY CONDUCT-OBSTRUCTING VEHICLE OR PEDESTRIAN TRAFFIC (372-6-18 Oscr)  
Count 3, RESISTING ARREST #1 (372-6-18 Oscr)

Title: Motion to Reconsider Sentence (Motion 1)  
Filer: Prisoner's Rights Office  
Attorney: Emily B. Tredeau  
Filed Date: March 23, 2020

No response filed

Defendant has moved for reconsideration of his sentence pursuant to V.R.Cr.P. 35(b). Mr. Sheddrick was sentenced pursuant to a plea agreement to 12 to 24 months all suspended except 90 days to serve on a misdemeanor conviction for simple assault—attempt to menace a law enforcement officer. Apparently, the incarceration term is due to be completed on March 30, 2020. He argues that he is receiving no programming and that the COVID 19 pandemic and the extraordinary strain it will put on the correctional system puts inmates who are unable to social distance at significant risk. The state responds that it is ordinarily inappropriate to reconsider sentences that are subject to a negotiated plea and that DOC is imposed with the responsibility to administer medical care pursuant to 28 VSA § 801 et seq.


The court agrees that under ordinary circumstances, a negotiated plea agreement would not be subject to reconsideration. But these are hardly ordinary times. The court fully acknowledges that DOC is charged with administering medical care and presumes they will make reasonable efforts to seek to provide that care. However, it is equally clear that emergency orders have been issued by the Governor and the Supreme Court recognizing that even small groups meeting together are not only increasing risks of those who meet to contract the highly contagious COVID 19 virus but also spreading the virus to others they meet. The Governor has closed all schools through the end of the school year as well as all nonessential businesses seeking to limit social contact and thus the spread of the virus. Clearly, a prison, which is unable to practice social distancing as suggested, and has many people gathered in relatively confined areas, would benefit from having its population safely reduced.

The incarceration portion of the sentence here was done for punitive purposes. Defendant is due to get out shortly; he is not subject to any programming. He is essentially serving “dead time.” He has already been incarcerated for most of the unsuspended term, so a punitive response has been served. There is no magic need to the remaining few days to be served. Against this, is the risk to all staff and inmates posed by incarcerating individuals where unnecessary for public safety.

Given the extraordinary circumstances that exist, the court grants the motion to reconsider. The sentence shall be 12 to 24 months, all suspended except for the time Mr. Sheddric has served. It appears that is 87 days if the filing is correct. The amended mittimus shall be promptly prepared and sent to facility at which Mr. Sheddric is housed. Mr. Sheddric shall contact his probation officer by the end of business, March 30,2020.

So ordered.

Electronically signed on March 27, 2020 at 02:39 PM pursuant to V.R.E.F. 7(d).



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John L. Pacht  
Superior Court Judge

Notifications:

Jill E. Jourdan (ERN 4502), Attorney for Defendant Kenneth Sheddric

Michael A. Cricchi (ERN 9935), Attorney for Plaintiff State

Emily B. Tredeau (ERN 4582), Attorney for party 1 Prisoner's Rights Office