

DEFENDANT: Zachary Gauthier
DOB: 06/18/1990 AGE: 31
ADDRESS:
145 Spencer Hollow
Springfield, VT 05156

ARRAIGNMENT DATE: April 19, 2022
SA CASE ID.: 22-5576
ASSIGNED (D)SA: Rory Thibault ERN:
POLICE DEPT.: Springfield Police Department
INVESTIGATING OFFICER: Officer Jeremy Fitzgibbons
VICTIM ADVOCATE: Melissa Bickelman
INCIDENT NO.: 22SF001653

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

STATE OF VERMONT

v.

ZACHARY GAUTHIER

CRIMINAL DIVISION

DOCKET NO. 22-CR-_____

INFORMATION BY STATE'S ATTORNEY

By the authority of the State of Vermont, the State's Attorney for Washington County, upon the oath of office charges:

COUNT 1 OF 1

CHARGE CODE: 13V1030A | CODE ID: 2195 | OFFENSE CLASS: M
CHARGE NAME: VIOLATION OF ABUSE PREVENTION ORDER

Zachary Gauthier, in the County of Windsor, at Springfield, between on or about March 10, 2022 and on or about April 14, 2022, intentionally committed an act prohibited by a court or who failed to perform an act ordered by a court in violation of an abuse prevention order issued under 15 V.S.A. chapter 21 after having been served notice of the contents of the order, in violation of 13 V.S.A. § 1030(a).

Penalty: Imprisoned not more than 1 year or fined not more than \$5,000.00 or both.

Against the peace and dignity of the State.

DATED: April 17, 2022



Washington County State's Attorney

(Specially Assigned)

Referral(s) if applicable: No Diversion Referral - Crime of Domestic Violence

This information has been presented to me and I have found probable cause.

DATED: 4/19/2022



Superior Court Judge

**SPRINGFIELD POLICE DEPARTMENT
AFFIDAVIT**

**STATE OF VERMONT
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Now comes the affiant, Officer Jeremy Fitzgibbons being duly sworn and on oath, deposes and says that he has probable cause to believe that Zachary C. Gauthier (DOB: 6/18/90) has committed the offenses of:

1) Violation of an Abuse Prevention Order in violation of Title 13 VSA Sec. 1030(a)

From March 10, 2022 through April 11, 2022, the above offense occurred in the Town of Springfield, County of Windsor, and State of Vermont.

The affiant brings forth the following:

- 1) On April 14, 2022 at about 1700 hours, the on-duty dispatcher for the Springfield Police Department advised me that Jaymee L. Gauthier (DOB: 1/8/96) had called to report a violation of a restraining order. I was advised that J. Gauthier would be coming to the Springfield Police Department later on to provide a sworn statement about the incident(s). Dispatch obtained a copy of a Final Order for Relief From Abuse with Children (RFA), in which J. Gauthier is the plaintiff (Docket #: 22-FA-00341). The defendant in the order is Zachary C. Gauthier (DOB: 6/18/90). The RFA was issued on 2/24/22 and is signed by the Honorable John R. Treadwell, Ellen Terie and Michael A. Ricci. The RFA indicates that the defendant was present at the hearing and received notice from the Court on the record that the RFA was issued. The order remains in effect until 2/24/23. I served the order to Z. Gauthier on 2/24/22 at his attorney's office. He signed the return of service indicating his acceptance of service of the RFA. There are several conditions in effect as a part of the order. The ones pertinent to this case prohibit the defendant from contacting the plaintiff in any way with no exceptions, gives the plaintiff sole possession of the residence located at 145 Spencer Hollow Road in Springfield, VT, prohibits the defendant from entering the plaintiff's residence for any purpose except as provided in the order, and orders the defendant to remain 300 feet away from the plaintiff and her residence. A copy of the RFA is attached and incorporated into this affidavit by reference.
- 2) J. Gauthier arrived at about 1800 hours and was given sworn written statement forms by the dispatcher. I met with her in the community room when she had completed her statements. This conversation was audio recorded using the in-car video system in EQ7. The following is a synopsis of the information provided in her statement. The statement in its entirety is attached and incorporated into this affidavit by reference.
 - a. An RFA was finalized on 2/24/22 against Z. Gauthier.
 - b. Starting on 3/10/22 he began reaching back out to her, asking her to drop the RFA and asking her to take him back.
 - c. She replied to him that they should be dealing with RFA/divorce issues through their lawyers. She advised that they did remain in contact about those issues, but he would lash out at her when she wouldn't agree with him
 - d. She referenced an issue on March 20, where her niece was at her residence and thought she saw a man looking through the windows in the overnight hours. She asked Z. Gauthier if it was him and he denied it. Due to the incident, she started staying with a friend. While she was staying with the friend she allowed him be at the house when she wasn't there. She wrote that he was staying there nightly and he re-painted some of the bedrooms while he was there. She wrote that she was scared to ask him to leave.

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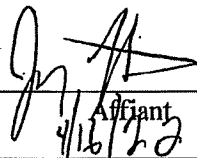
- e. On 4/11/22, she was no longer able to stay with her friend so she text him that he needed to be out of the house so she could return to it. She indicated that he was angry about this and told her that if she didn't drop the RFA that he wouldn't sign the divorce agreement.
 - f. She returned to the house on 4/13/22, and found that he left his dog and belongings there. She advised that she asked him when he was going to remove it and he didn't respond, but he filed a motion to modify the RFA so that he can access the house.
 - g. She advised that she spoke with someone at the Vermont State Police who indicated to her that if he was violating the order that she can file a complaint about it. She also spoke with her lawyer, who explained that he isn't allowed at the residence with or without her permission due to the RFA.
 - h. She indicated that she is worried about him coming back to the residence and worried about bringing this complaint forward. She also wrote that she wants him to stop "bullying me into dropping the RFA."
- 3) I asked J. Gauthier about some of the items in the statement. I inquired about his belongings being left there and she advised that it almost appeared as if someone had gotten up and left for work and would be coming back. She advised that he had not been back however. I also asked about the March 20 incident and if she thought someone was there and if it was him. She advised she was unsure if anyone was even there, much less if it would have been him. She advised that they had a Ring video doorbell, however it was not on the same side of the house that the person was believed to be. She also advised that the Ring account was set up by him and he has removed her access to it so she would not be able to obtain video of him being there. I asked if she knew where he would be and she thought that he was staying in Perkinsville on Route 106.
- 4) I asked her if I could photograph the text messages that she had on her phone. She advised that I could, but there are a lot. She scrolled back through her text messages to March 10, and I could see that there were probably hundreds of messages. Rather than attempt to photograph them all, J. Gauthier made a screen recording of the messages as she scrolled through them. It took approximately 45 minutes for her to scroll through the messages to make this recording. It is noted that there are 6 files stored as evidence at the Springfield Police Department of this screen recording. This was initially due to phone calls coming in which stopped the recording. She then stopped the phone from taking calls to finish. Upon completion of this process, I downloaded 4 files to Springfield Police Department photos server. Upon reviewing them the following morning, I found that the final and longest video was not present. I called J. Gauthier and she brought her phone back in on 4/15. I found that the video was apparently too long to download. She edited the video, by splitting it into two files, which I was then able to download for the total of the 6 files. In addition to the screen recordings of the text messages, she showed me two phone call records between them that had occurred on 4/11/22. I photographed the phone call records. I also photographed the contact card for "Zach" in her phone, which corresponds to the other party in the calls and text messages. I observed that the phone number listed for "Zach" is the same as the phone number listed in the Valcour Records Management System for Zachary Gauthier, the defendant. The above photos and videos are stored as evidence at the Springfield Police Department.

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- 5) While she was making the screen recording, I watched and she pointed out some messages and photos of interest. I noted that the beginning of the messages is timestamped on March 10, 2022 at 0412 hours. There are several messages from him that morning and in one he asked why she wasn't responding and he indicates that if he is going to be arrested he would like to know so he can leave his truck somewhere that it won't get towed. It is noted that based on the beginning of the conversation, it appears that this was not the first contact between the two, as he indicates that he had told her about how he felt and asked her to reach out to him when she decides what she wants her future to look like. She also pointed out a few photos that he sent to her which she indicated were taken of or from their house when he was staying there. There were messages that he sent where he indicates that he feels like a criminal hiding out at the house as well. Towards the end of the conversation, it moves toward arguing about the conditions of the divorce agreement. There are several times throughout that Z. Gauthier acknowledges that he is not supposed to be communicating with her or be at the residence.
- 6) On April 16, 2022, I made phone contact with Z. Gauthier regarding this incident. He indicated that he would appear at the Springfield Police Department for processing on Monday, April 18, 2022, with his attorney. I prepared the case for another officer to process him.

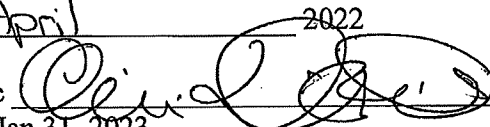


Affiant
4/16/22

Date

State of Vermont
County of Windsor
Subscribed and sworn to before me on

This 16th Day of April 2022

Signature of Notary Public 
My commission expires: Jan 31, 2023