

STATE OF VERMONT

SUPERIOR COURT  
CHITTENDEN UNIT

CRIMINAL DIVISION  
DOCKET NO. 2411-8-18 Cncr  
2412-8-18  
2415-8-18  
2418-8-18  
2422-8-18  
2425-8-18  
2426-8-18  
2429-8-18  
2431-8-18

STATE OF VERMONT

V.

MARY AVENDANO, ET AL.  
DEFENDANTS

ORDER RE: DEFENDANTS' MOTION FOR  
INTERLOCUTORY APPEAL

On August 2, 2018, Defendants Mary Avendano, Nancy Braus, Carol Davis, David Feurzig, Constance Lesold, Michael McCleese, Ursula Nadolny, Rachel Siegel, and Ann Zimmerman were each charged with one count of disorderly conduct by obstructing vehicle or pedestrian traffic, in violation of 13 V.S.A. § 1026(a)(5), following a political protest during which they allegedly sat in a public street. See *Information* in dks. 2412-, 2411-, 2415-, 2418-, 2422-, 2425-, 2426-, 2429-, 2431-8-18 Cncr. All nine Defendants are represented by Attorney Robert Appel.

In preparation for trial, the State filed two Motions in Limine. See *State's Motion in Limine to Exclude the Necessity Defense*; *State's Motion in Limine to Exclude*. Defendants opposed both Motions in Limine, and also argued that a ruling on the availability of the necessity defense before Defendants had an opportunity to present evidence at trial would violate their Due Process rights. *Notice of Opposition to State's Motions in Limine*. In an Order issued January 28, 2019, the Court held: (1) a pretrial ruling on the availability of the necessity defense did not violate Defendants' Due Process rights; (2) Defendants were not entitled to a necessity defense instruction at trial because they failed, through proffer, to make a prima facie showing as to each of its elements; and (3), given the unavailability of the necessity defense, Defendants were precluded from introducing evidence regarding the specific government policies they were protesting at the time of the alleged offenses. *Order re: Motions in Limine*.

On February 8, 2019, Defendants moved pursuant to V.R.A.P. 5(a)(1)(A) for interlocutory appeal of the Court's Order granting the State's Motions in Limine. *Defendants' Motion to Refer its Decision Granting State's Motions in Limine to the Supreme Court* ("Defendant's Motion"). Under that Rule, "[b]efore entry of final judgment, the superior court may report the action to the Supreme Court, if all the parties appearing agree and ... the court concludes that a question of law raised is raised of sufficient importance or doubt to justify

reporting[.]”<sup>1</sup> V.R.A.P. 5(a)(1)(A). Defendants argue that the questions of law at issue are of sufficient importance and doubt because: (1) the procedural and factual posture of the instant case renders it “readily distinguishable” from the cases relied upon by the Court; and (2), on this basis, the Supreme Court should “revisit[] its prior divided decisions in *Warshow* and *Thayer*[.]” Defendant’s Motion at 2–3 (citing *State v. Warshow*, 138 Vt. 22 (1979); *State v. Thayer*, 2010 VT 78, 188 Vt. 482). In addition, Defendants argue that considerations of judicial economy and lack of prejudice to the State militate in favor of interlocutory review of the Court’s Order. *Id.* at 3–4.

Defendants have identified V.R.A.P. 5(a)(1)(A) as the basis for their Motion. See *Defendant’s Motion* at 3. However, under that provision, this Court is empowered to “report the action to the Supreme Court” only “if all the parties appearing agree[.]” V.R.A.P. 5(a)(1). Defendants did not represent that they have obtained the State’s agreement to the proposed interlocutory appeal, and in fact the State has filed a response in opposition to Defendants’ motion. Absent such agreement, it is therefore unnecessary for this Court to reach the question of whether “a question of law is raised of sufficient importance or doubt to justify reporting[.]” *Id.*

Even assuming that the “agreement” requirement of V.R.A.P. 5(a)(1)(A) had been satisfied, however, the court would not find “a question of law is raised of sufficient importance or doubt to justify reporting[.]” Defendants argue that this standard is satisfied because (1) the procedural and factual posture of the instant case renders it “readily distinguishable” from the cases relied upon by the Court; and (2), on this basis, the Supreme Court should “revisit[] its prior divided decisions in *Warshow* and *Thayer*[.]” *Defendants’ Motion* at 2–3. This Court’s legal conclusions as to each of these arguments are set forth at length in the January 28 Order, which is incorporated by reference in this ruling. Briefly, however, it is important to note that after identifying the procedural and factual distinctions between prior Vermont cases and the case at bar, the Court found that *State v. Cram*, 157 Vt. 466 (1991), could not be meaningfully distinguished with respect to the question at hand: whether it is appropriate to rule on the availability of a necessity defense, on the basis of a defendant’s proffer, in response to the State’s motion in limine. *Order re: Motions in Limine* at 4. With respect to Defendants’ second argument, the Court found that, to the extent that the *Warshow* and *Thayer* dissents suggest a “high[er] threshold,” see *Thayer*, 2010 VT 78, ¶ 16, for exclusion of the necessity defense pretrial than was applied by the majority in either case, the facts of the instant case nonetheless rise to that higher threshold. *Id.* at 5. As a result, the Court cannot conclude, as required by

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<sup>1</sup> Defendants argue that their Motion is timely because it was hand-delivered on the 14<sup>th</sup> day following the Order’s issuance. *Defendant’s Motion* at 2. However, Defendants misstate the date of the Order’s issuance as January 24, 2019. *Id.* While the Order was signed on that date, it was issued on January 28, 2019. *Order re: Motions in Limine*. Further, appeals on report by agreement must be filed only “[b]efore entry of final judgment,” and are not subject to the 14-day limitation applicable to appeals of interlocutory orders by permission. V.R.A.P. 5(a). Hence, there is no doubt as to the timeliness of Defendants’ Motion.

V.R.A.P. 5(a)(1)(A), that “a question of law is raised of sufficient importance or doubt to justify reporting[.]”

Defendants’ Motion for Interlocutory Appeal is therefore DENIED.

Dated at Burlington, Vermont on this 20th day of February, 2019.



Martin A. Maley  
Superior Court Judge



----- Forwarded message -----

From: Robert Appel [redacted]  
Date: Thu, Feb 21, 2019, 6:19 PM  
Subject: Re: no word from Rachel about call  
To: Nancy Braus [redacted]  
Cc: Rachel Siegel [redacted], Ann Zimmerman [redacted]  
Ursula Nadolny [redacted], Constance Lesold <[redacted]>  
[redacted], Carol Davis [redacted], Mike  
McCleese [redacted], David Feurzeig [redacted],  
Tanyan Avendano [redacted]

Let me respond in CAPS to the Qs below

On Thursday, February 21, 2019, Nancy Braus [redacted] wrote:

Hi Robert-

I am super-confused about what we need to do tomorrow morning. If we want to plead guilty, do we or do we not need to be at the court at 8:30 tomorrow morning? As most of us would need to leave home at 5:30 AM we need to figure this out now.

The consequences of not appearing are:

1. we could be refused the "deal" we have been offered (not much of a deal)ACTUALLY IT IS A DEAL TO BE OFFERED A DEFERRED SENTENCE WHICH ONLY THE PROSECUTOR CAN DO, YOU AVOID A PERMANENT RECORD, HAVING TO PAY A FINE AND A SURCHARGE, BEST SENTENCING OPTION OUT THERE. YOU STILL GET TO MAKE YOUR STATEMENT TO THE COURT
2. we could be issued an arrest warrant- small chance of that THAT COULD HAPPEN BUT I SERIOUSLY DOUBT THAT IT WOULD
3. if we were refused the "deal," what else could happen? THIS JUDGE HAS A POLICY OF NOT TAKING ANY PLEA AGREEMENTS AFTER THE JURY DRAW STATUS CONFERENCE TOMORROW. SO IT IS POSSIBLE THAT IF YOU DO NOT APPEAR TOMORROW YOU WILL HAVE TO PLEAD TO THE CHARGE WITHOUT THE BENEFITS OF A DEFERRED AGREEMENT

I read the email from the prosecutor, and it sounds like he really has it in for us for some reason, so what could he do?

Thanks,

Nancy

## Subject: Fwd: Mike & Connie

Email #3

----- Forwarded message -----

From: Mike Mccleese [REDACTED]  
Date: Fri, Mar 1, 2019, 4:33 PM  
Subject: Mike & Connie  
To: Robert Appel, Attorney at Law [REDACTED]  
Cc: Constance Lesold [REDACTED]

Greetings Robert,

Connie and I would like to have a brief conversation with you before the jury draw on March 11th. We are both concerned about legal fees since it is just the two of us going forward. Connie is a low income retiree and I only work part time at the Community of Vermont Elders. By the way, I travel around the Northern half of Vermont and give presentations to older Vermonters on how to avoid becoming victims of Medicare fraud and abuse. I am booked with at least 30 presentations between now and May 30th.

We also would like to know your thoughts about what to expect at the trial. And, as you know, I am deeply concerned by what I see as an abridgment of our constitutional right to properly defend ourselves since we are barred from using the Necessity Defense. I will assume that Judge Maley's order to muzzle us in his courtroom is fully legal.

However, I have known for many decades that there has always been a chasm between the law and what is legal in this country and that of conscience and what is just and kind, and what generally embraces the greater good. We should talk because I might not be a good client for you based on my deep conviction that not resisting what I see as a fascist ruling in barring me from properly defending myself could cause great harm to my conscience. I know what happened to people of conscience in Europe in the 1930's and it is my intention to do my small part to resist fascism now while I still can. There will soon be a point of no return if we can't stop the train we are all riding on in this dark era.

Thank you Robert,

Mike

# Subject: Fwd: Monday

Email #2

----- Forwarded message -----

From: Robert Appel Attorney at Law [REDACTED]  
 Date: Sat, Mar 9, 2019, 9:48 AM  
 Subject: Monday  
 To: Mike Mccleese [REDACTED], Constance Lesold <[REDACTED]>  
 Cc: Rachel Siegel [REDACTED]

Good morning-

Below is a listing of the court's calendar for Monday before J. Maley. You will see that it is incredibly packed with many, many cases set for 8:30 for jury drawing. Your notices direct you to appear at 8:30. My guess is that you will sit there most of the morning before your case gets called. In terms of efficiency and economy, it may make sense for me to come over at 8:30, do a check in, meet with you and then for me to go back to my office until I get a call from one of you to come back over. With this many cases on, most will settle and the court will take changes of pleas over and over again. However, I can't be sure of any of this. Your thoughts/responses are most welcomed.

Enjoy your weekends and this sunny day!

Robert

--  
 Robert Appel, Attorney at Law, PLC  
 30 Main St., Suite 350  
 Burlington, VT 05401  
 Tel: (802) 595-1544  
 Fax: (802) 881-0379  
 [REDACTED]

\*www.robertappellaw.com <http://www.robertappellaw.com>\*

"A man can't ride your back unless it is bent." Dr. Martin  
 Luther King, Jr.\*

### \*Cases heard by Martin Maley\*

Date/Time/Place	Case Name/Type of Proceeding/Litigants (Attorney)
Monday, Mar. 11 8:30 AM District Courtroom 3A	Confidential Case 1475-5-17 Cncr/Criminal Criminal Hearing Plaintiff, State (Sarah George) Defendant (Stacie Z. Johnson)
Monday, Mar. 11 8:30 AM District Courtroom 3A	Restricted Case 2107-7-18 Cncr/Criminal Criminal Hearing Plaintiff, State (Kelton D. Olney) Defendant

## Victim's Advocate

Monday, Mar. 11 8:30 AM District Courtroom 3A	Confidential Case 306-1-19 Cncr/Criminal Criminal Hearing Plaintiff, State (Sally J. Adams) Defendant (William D. Kidney) Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	Restricted Case 416-1-19 Cncr/Criminal Criminal Hearing Plaintiff, State (Kelton D. Olney) Defendant
Monday, Mar. 11 8:30 AM District Courtroom 3A	Restricted Case 498-2-19 Cncr/Criminal Criminal Hearing Plaintiff, State (Ryan O. Richards) Defendant
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Stoudt, Ashley 420-2-14 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Ashley Stoudt (Stacie Z. Johnson)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Brennan, Kyle A. 393-2-16 Cncr/Criminal Jury Drawing Plaintiff, State (Franklin L. Paulino) Defendant, Kyle A. Brennan (Bryan E. Dodge)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Leggett, Adam T. 1648-5-16 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Adam T. Leggett
(Margaret M. Jansch)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Prior, Kristina 1805-5-16 Cncr/Criminal Jury Drawing Plaintiff, State (Franklin L. Paulino) Defendant, Kristina Prior (Margaret
M. Jansch)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Jenkins, William 3850-10-16 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, William Jenkins (Bryan E. Dodge)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Corwell, Elijah 2252-7-17 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Elijah Corwell (Sandra M. Lee)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Emmons, Brandon 3348-10-17 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Brandon Emmons (Sarah Reed)

Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Emmons, Brandon 3887-11-17 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Brandon Emmons (Sarah Reed)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Larmay, Jason C. 71-1-18 Cncr/Criminal Jury Drawing Plaintiff, State (Justin Jiron) Defendant, Jason C. Larmay (Paul D. Jarvis)
Monday, Mar. 11 8:30 AM District Courtroom 3A  (Christopher C. Moll)	State vs. Katon, Brandon 506-2-18 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Brandon Katon  Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A  (Christopher C. Moll)	State vs. Chamberlain, Ryan M. 592-2-18 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Ryan M. Chamberlain  Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Nguyen, Thuy 1187-4-18 Cncr/Criminal Jury Drawing Plaintiff, State (Andrew Daniel McFarlin) Defendant, Thuy Nguyen (Kathy J. Strahm) Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. LaCross, Shaun M. 1305-5-18 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Shaun M. LaCross (Kathy J. Strahm)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Ritchie, Courtney F. 1606-5-18 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Courtney F. Ritchie (Sara M. Puls) Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Ritchie, Courtney F. 1759-6-18 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Courtney F. Ritchie (Sara M. Puls) Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A  (Harley G. Brown)	State vs. Reynolds, Michael P. Jr. 2165-7-18 Cncr/Criminal Jury Drawing Plaintiff, State (Emily P. Pijanowski) Defendant, Michael P. Reynolds Jr.  Victim's Advocate
Monday, Mar. 11 8:30 AM	State vs. Brown, Brandon 2284-7-18 Cncr/Criminal



District Courtroom 3A  
 Jury Drawing  
 Plaintiff, State (Franklin L. Paulino)  
 Defendant, Brandon Brown (Bryan E. Dodge)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Mitchell, Nicole T.  
 2248-7-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Franklin L. Paulino)  
 Defendant, Nicole T. Mitchell  
 (Kathy J. Strahm)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Robar, Dylan J.  
 2311-7-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Justin Jiron)  
 Defendant, Dylan J. Robar (William R. Norful)  
 Victim's Advocate\*

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Lesold, Constance M.  
 2422-8-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Kelton D. Olney)  
 Defendant, Constance M. Lesold  
 (Robert J. Appel)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. McCleese, Michael R.  
 2425-8-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Kelton D. Olney)  
 Defendant, Michael R. McCleese  
 (Robert J. Appel)

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 Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Trayah, Ruby L.  
 2511-8-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Sally J. Adams)  
 Defendant, Ruby L. Trayah (Margaret  
 M. Jansch)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Roberts, Jessica  
 2659-8-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Susan Hardin)  
 Defendant, Jessica L. Roberts  
 (Bryan E. Dodge)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Patterson, Sanford M.  
 2970-9-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Justin Jiron)  
 Defendant, Sanford M. Patterson  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Gaudette, Robert A. Jr.  
 260060/Other Ticket  
 Jury Drawing  
 Plaintiff, State (Kelton D. Olney)  
 Defendant, Robert A. Gaudette Jr.

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Senna, Michael R.  
 3288-10-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Kelton D. Olney)  
 Defendant, Michael R. Senna

(Margaret M. Jansch)

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Gurung, Tek  
3406-10-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Emily P. Pijanowski)  
Defendant, Tek Gurung (Bryan E. Dodge)  
Victim's Advocate

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Sears, Tyler aka TYLOR  
3492-10-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Andrew Daniel McFarlin)  
Defendant, Tyler Sears aka TYLOR

(Albert Schaal Fox)

Victim's Advocate

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Cochran, Shawn A.  
3459-10-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Susan Hardin)  
Defendant, Shawn A. Cochran (Harley G. Brown)  
Victim's Advocate

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Grabb, Thomas A.  
3722-11-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Andrew Daniel McFarlin)  
Defendant, Thomas A. Grabb (Sara M. Puls)  
Victim's Advocate

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Winrock, Fred J.  
3686-11-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Justin Jiron)  
Defendant, Fred J. Winrock (Sara M. Puls)

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Parizo, Sindy L.  
3751-11-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Kelton D. Olney)  
Defendant, Sindy L. Parizo (Stacie

Z. Johnson)

Victim's Advocate

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Oliver, Corey J.  
3789-11-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Sarah George)  
Defendant, Corey J. Oliver (Jessica Brown)

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Dusablon, Landon  
3791-11-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Zachary Jian Chen)  
Defendant, Landon Dusablon (Bryan E. Dodge)

Monday, Mar. 11  
8:30 AM  
District Courtroom 3A

State vs. Viens, Robert D.  
3997-12-18 Cncr/Criminal  
Jury Drawing  
Plaintiff, State (Dana M. DiSano)  
Defendant, Robert D. Viens (Bryan E. Dodge)  
Victim's Advocate

Monday, Mar. 11

State vs. Potter, Ethan C.

<p>8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Bryan E. Dodge)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p> <p>Monday, Mar. 11 8:30 AM District Courtroom 3A</p> <p>(Margaret M. Jansch)</p>	<p>3943-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Sarah George) Defendant, Ethan C. Potter</p> <p>State vs. Holzschuh, Harry H. 4022-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Susan Hardin) Defendant, Harry H. Holzschuh</p> <p>State vs. Rigley, Michael J. 4021-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Susan Hardin) Defendant, Michael J. Rigley  Victim's Advocate</p> <p>State vs. Brown, Paul III 260369/Other Ticket Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Paul Brown III</p> <p>State vs. Shiffert, Yasmine A. 4073-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Yasmine A. Shiffert (Sara M. Puls) Victim's Advocate</p> <p>State vs. Deforge, Calvin A. 4081-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Justin Jiron) Defendant, Calvin A. Deforge</p> <p>State vs. Ploof, Jason S. 4100-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Franklin L. Paulino) Defendant, Jason S. Ploof (William D. Kidney) Victim's Advocate</p> <p>State vs. Riley, Neil 4091-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Neil Riley (Sara M. Puls) Victim's Advocate</p> <p>State vs. Morris, Tamara S. 4074-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Tamara S. Morris (Bryan E. Dodge)</p> <p>State vs. Kessler, Alexander 4143-12-18 Cncr/Criminal Jury Drawing Plaintiff, State (Franklin L. Paulino)</p>
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Defendant, Alexander Kessler (Bryan E. Dodge)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Whitney, Terrance  
 4181-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Franklin L. Paulino)  
 Defendant, Terrance Whitney (Bryan E. Dodge)  
 Attorney for victim, Nietra Panagoulis

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Morgan, Melissa  
 4182-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Franklin L. Paulino)  
 Defendant, Melissa Morgan (Bryan E. Dodge)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Durkin, Andrew  
 4098-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Zachary Jian Chen)  
 Defendant, Andrew Durkin (Stacie Z. Johnson)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Schenk, William  
 4130-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Sally J. Adams)  
 Defendant, William Schenk (William D. Kidney)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Hammond, Chelsea J.  
 4200-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Ryan O. Richards)  
 Defendant, Chelsea J. Hammond  
 (Bryan E. Dodge)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Bangoura, Ismael  
 4179-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Kelton D. Olney)  
 Defendant, Ismael Bangoura (Sandra M. Lee)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Cardinal, Donna M.  
 4261-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Andrew Daniel McFarlin)  
 Defendant, Donna M. Cardinal  
 (Stacie Z. Johnson)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Vien, Marc S. Jr.  
 4297-12-18 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Emily P. Pijanowski)  
 Defendant, Marc S. Vien Jr. (Sara M. Puls)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A  
 State vs. Ritchie, Courtney F.  
 296-1-19 Cncr/Criminal  
 Jury Drawing  
 Plaintiff, State (Kelton D. Olney)  
 Defendant, Courtney F. Ritchie (Sara M. Puls)  
 Victim's Advocate

Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Ritchie, Courtney F. 295-1-19 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Courtney F. Ritchie (Sara M. Puls) Victim's Advocate
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Ritchie, Courtney F. 294-1-19 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Courtney F. Ritchie (Sara M. Puls) Victim's Advocate
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Ritchie, Courtney F. 293-1-19 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Courtney F. Ritchie (Sara M. Puls) Victim's Advocate
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Fischer, Holly AKA Margo Anderson 236-1-19 Cncr/Criminal Jury Drawing Plaintiff, State (Ryan O. Richards) Defendant, Holly Fischer AKA Margo Anderson Victim's Advocate
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Ritchie, Courtney F. 557-2-19 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Courtney F. Ritchie (Sara M. Puls) Victim's Advocate
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Ritchie, Courtney F. 527-2-19 Cncr/Criminal Jury Drawing Plaintiff, State (Kelton D. Olney) Defendant, Courtney F. Ritchie (Sara M. Puls) Victim's Advocate
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. LaCross, Shaun M. 3620-10-18 Cncr/Criminal Status Conference - Transport Req. Plaintiff, State (Ryan O. Richards) Defendant, Shaun M. LaCross (Kathy J. Strahm)
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Stoudt, Ashley 1798-5-14 Cncr/Criminal Status Conference Plaintiff, State (Kelton D. Olney) Defendant, Ashley Stoudt (Stacie Z. Johnson)
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Jenkins, William 2557-8-17 Cncr/Criminal Status Conference Plaintiff, State (Ryan O. Richards) Defendant, William Jenkins (Bryan E. Dodge) Victim's Advocate
Monday, 8:30 AM District Courtroom 3A	Mar. 11	State vs. Parizo, Sindy L. 3525-10-17 Cncr/Criminal Status Conference Plaintiff, State (Kelton D. Olney)

Z. Johnson) Defendant, Sindy L. Parizo (Stacie

Monday, Mar. 11 State vs. Chamberlain, Ryan M.  
8:30 AM 665-3-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Ryan M. Chamberlain  
(Christopher C. Moll) Victim's Advocate

Monday, Mar. 11 State vs. Chamberlain, Ryan M.  
8:30 AM 831-3-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Ryan M. Chamberlain  
(Christopher C. Moll)

Monday, Mar. 11 State vs. Chamberlain, Ryan M.  
8:30 AM 1191-4-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Ryan M. Chamberlain  
(Christopher C. Moll)

Monday, Mar. 11 State vs. Chamberlain, Ryan M.  
8:30 AM 1192-4-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Ryan M. Chamberlain  
(Christopher C. Moll)

Monday, Mar. 11 State vs. Chamberlain, Ryan M.  
8:30 AM 1245-4-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Ryan M. Chamberlain  
(Christopher C. Moll)

Monday, Mar. 11 State vs. Parizo, Sindy L.  
8:30 AM 1223-4-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Sindy L. Parizo (Stacie  
Z. Johnson)

Monday, Mar. 11 State vs. Nguyen, Thuy  
8:30 AM 1418-5-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Andrew Daniel McFarlin)  
Defendant, Thuy Nguyen (Kathy J. Strahm)  
Counsel for Victim, Victim (Cielo M. Mendoza)  
Victim's Advocate

Monday, Mar. 11 State vs. Larmay, Jason C.  
8:30 AM 1570-5-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Justin Jiron)  
Defendant, Jason C. Larmay (Paul D. Jarvis)  
Victim's Advocate

Monday, Mar. 11 State vs. Parizo, Sindy L.  
8:30 AM 1537-5-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)

Z. Johnson) Defendant, Sindy L. Parizo (Stacie

Monday, Mar. 11 State vs. Nguyen, Thuy  
8:30 AM 1685-6-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Andrew Daniel McFarlin)  
Defendant, Thuy Nguyen (Kathy J. Strahm)

Monday, Mar. 11 State vs. Nguyen, Thuy  
8:30 AM 1733-6-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Andrew Daniel McFarlin)  
Defendant, Thuy Nguyen (Kathy J. Strahm)

Monday, Mar. 11 State vs. Nguyen, Thuy  
8:30 AM 1724-6-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Andrew Daniel McFarlin)  
Defendant, Thuy Nguyen (Kathy J. Strahm)

Monday, Mar. 11 State vs. Nguyen, Thuy  
8:30 AM 1789-6-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Andrew Daniel McFarlin)  
Defendant, Thuy Nguyen (Kathy J. Strahm)

Monday, Mar. 11 State vs. Parizo, Sindy L.  
8:30 AM 1855-6-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Sindy L. Parizo (Stacie

Z. Johnson)

Monday, Mar. 11 State vs. Parizo, Sindy L.  
8:30 AM 2206-7-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Sindy L. Parizo (Stacie

Z. Johnson)

Monday, Mar. 11 State vs. Reynolds, Michael P. Jr.  
8:30 AM 2368-7-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Emily P. Pijanowski)  
Defendant, Michael P. Reynolds Jr.

(Harley G. Brown)

Monday, Mar. 11 State vs. Parizo, Sindy L.  
8:30 AM 2356-7-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Sindy L. Parizo (Stacie

Z. Johnson)

Monday, Mar. 11 State vs. Parizo, Sindy L.  
8:30 AM 2456-8-18 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Kelton D. Olney)  
Defendant, Sindy L. Parizo (Stacie

Z. Johnson)

Monday, Mar. 11 State vs. Parizo, Sindy L.  
8:30 AM 2448-8-18 Cncr/Criminal  
District Courtroom 3A Status Conference

Plaintiff, State (Kelton D. Olney)  
 Defendant, Sindy L. Parizo (Stacie

Z. Johnson)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Nguyen, Thuy  
 2560-8-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Andrew Daniel McFarlin)  
 Defendant, Thuy Nguyen (Kathy J. Strahm)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Reynolds, Michael P. Jr.  
 2488-8-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Emily P. Pijanowski)  
 Defendant, Michael P. Reynolds Jr.

(Harley G. Brown)

Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Reynolds, Michael P. Jr.  
 2601-8-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Emily P. Pijanowski)  
 Defendant, Michael P. Reynolds Jr.

(Harley G. Brown)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Schenk, William  
 2780-8-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Sally J. Adams)  
 Defendant, William Schenk (William D. Kidney)  
 Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Roberts, Jessica L.  
 3308-10-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Susan Hardin)  
 Defendant, Jessica L. Roberts

(Bryan E. Dodge)

Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Reynolds, Michael P. Jr.  
 3425-10-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Emily P. Pijanowski)  
 Defendant, Michael P. Reynolds Jr.

(Harley G. Brown)

Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Reynolds, Michael P. Jr.  
 3426-10-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Emily P. Pijanowski)  
 Defendant, Michael P. Reynolds Jr.

(Harley G. Brown)

Victim's Advocate

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Robar, Dylan J.  
 3544-10-18 Cncr/Criminal  
 Status Conference  
 Plaintiff, State (Justin Jiron)  
 Defendant, Dylan J. Robar (William R. Norful)

Monday, Mar. 11  
 8:30 AM  
 District Courtroom 3A

State vs. Reynolds, Michael P. Jr.  
 3596-10-18 Cncr/Criminal  
 Status Conference



	Plaintiff, State (Emily P. Pijanowski) Defendant, Michael P. Reynolds Jr.
(Harley G. Brown)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Reynolds, Michael P. Jr. 3664-11-18 Cncr/Criminal Status Conference Plaintiff, State (Emily P. Pijanowski) Defendant, Michael P. Reynolds Jr.
(Harley G. Brown)	Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Reynolds, Michael P. Jr. 3714-11-18 Cncr/Criminal Status Conference Plaintiff, State (Emily P. Pijanowski) Defendant, Michael P. Reynolds Jr.
(Harley G. Brown)	Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Reynolds, Michael P. Jr. 3665-11-18 Cncr/Criminal Status Conference Plaintiff, State (Emily P. Pijanowski) Defendant, Michael P. Reynolds Jr.
(Harley G. Brown)	Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Hammond, Chelsea J. 3658-11-18 Cncr/Criminal Status Conference Plaintiff, State (Ryan O. Richards) Defendant, Chelsea J. Hammond
(Bryan E. Dodge)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Reynolds, Michael P. Jr. 3678-11-18 Cncr/Criminal Status Conference Plaintiff, State (Emily P. Pijanowski) Defendant, Michael P. Reynolds Jr.
(Harley G. Brown)	Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Reynolds, Michael P. Jr. 3923-11-18 Cncr/Criminal Status Conference Plaintiff, State (Emily P. Pijanowski) Defendant, Michael P. Reynolds Jr.
(Harley G. Brown)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Robar, Dylan J. 3859-11-18 Cncr/Criminal Status Conference Plaintiff, State (Justin Jiron) Defendant, Dylan J. Robar (William R. Norful)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Hammond, Chelsea J. 4210-12-18 Cncr/Criminal Status Conference Plaintiff, State (Ryan O. Richards) Defendant, Chelsea J. Hammond
(Bryan E. Dodge)	
Monday, Mar. 11 8:30 AM	State vs. Hammond, Chelsea J. 4271-12-18 Cncr/Criminal

District Courtroom 3A	Status Conference Plaintiff, State (Ryan O. Richards) Defendant, Chelsea J. Hammond
(Bryan E. Dodge)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Parizo, Sindy L. 20-1-19 Cncr/Criminal Status Conference Plaintiff, State (Kelton D. Olney) Defendant, Sindy L. Parizo Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Parizo, Sindy L. 19-1-19 Cncr/Criminal Status Conference Plaintiff, State (Kelton D. Olney) Defendant, Sindy L. Parizo (Stacie
Z. Johnson)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Parizo, Sindy L. 31-1-19 Cncr/Criminal Status Conference Plaintiff, State (Kelton D. Olney) Defendant, Sindy L. Parizo (Stacie
Z. Johnson)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Brown, Brandon 122-1-19 Cncr/Criminal Status Conference Plaintiff, State (Franklin L. Paulino) Defendant, Brandon Brown (Bryan E. Dodge) Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Conwell, Elijah 106-1-19 Cncr/Criminal Status Conference Plaintiff, State (Ryan O. Richards) Defendant, Elijah Conwell (Sandra M. Lee)
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Rigley, Michael J. 165-1-19 Cncr/Criminal Status Conference Plaintiff, State (Susan Hardin) Defendant, Michael J. Rigley
(Margaret M. Jansch)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Brown, Brandon 176-1-19 Cncr/Criminal Status Conference Plaintiff, State (Franklin L. Paulino) Defendant, Brandon Brown (Bryan E. Dodge) Victim's Advocate
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Cardinal, Donna M. 373-1-19 Cncr/Criminal Status Conference Plaintiff, State (Franklin L. Paulino) Defendant, Donna M. Cardinal
(Stacie Z. Johnson)	
Monday, Mar. 11 8:30 AM District Courtroom 3A	State vs. Cardinal, Donna M. 380-1-19 Cncr/Criminal Status Conference Plaintiff, State (Franklin L. Paulino)

(Stacie Z. Johnson) Defendant, Donna M. Cardinal  
Victim's Advocate

Monday, Mar. 11 State vs. Cardinal, Donna M.  
8:30 AM 450-2-19 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Franklin L. Paulino)  
Defendant, Donna M. Cardinal

(Stacie Z. Johnson)

Monday, Mar. 11 State vs. Cardinal, Donna M.  
8:30 AM 552-2-19 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Franklin L. Paulino)  
Defendant, Donna M. Cardinal

(Stacie Z. Johnson)

Monday, Mar. 11 State vs. Reynolds, Michael P. Jr.  
8:30 AM 501-2-19 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Emily P. Pijanowski)  
Defendant, Michael P. Reynolds Jr.

(Harley G. Brown)

Monday, Mar. 11 State vs. Ploof, Jason S.  
8:30 AM 635-2-19 Cncr/Criminal  
District Courtroom 3A Status Conference  
Plaintiff, State (Franklin L. Paulino)  
Defendant, Jason S. Ploof (William D. Kidney)  
Victim's Advocate

Monday, Mar. 11 State vs. Brown, Brandon  
8:30 AM 1909-6-18 Cncr/Criminal  
District Courtroom 3A VOP Status Conference  
Plaintiff, State (Franklin L. Paulino)  
Defendant, Brandon Brown (Bryan E. Dodge)  
Probation Officer, Seth Page  
Probation Officer, Johnathan Phillips  
Victim's Advocate

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## Subject: Fwd: Radio Show with Constance Lesbold?

Email from Robert Appel

----- Forwarded message -----

From: Robert Appel Attorney at Law [REDACTED]  
Date: Thu, Mar 21, 2019, 8:03 AM  
Subject: Re: Radio Show with Constance Lesbold?  
To: Joseph Gainza [REDACTED]  
Cc: Mike McCleese [REDACTED] Constance Lesold <  
[REDACTED]>

Joseph-

Thanks for the invitation. I'll do my best to join you by phone at 930 and will let you know one way or the other on Monday as I may have a conflict. Hope all is well over your way!

Robert Appel, Attorney at Law, PLC  
30 Main St., Suite 350  
Burlington, VT 05401  
Tel: (802) 595-1544  
Fax: (802) 881-0379  
[REDACTED]

\*www.robertappellaw.com <http://www.robertappellaw.com>\*

"A man can't ride your back unless it is bent." Dr. Martin Luther King, Jr.\*

On 3/20/2019 6:47 PM, Joseph Gainza wrote:

Hi Robert, as usual, you are in the middle of good things happening. This Tuesday, March 26, I have Constance Lesbold, and maybe Michael McCleese, on my show at 9:30AM. Would you be available to talk about the legal ramifications of the case, including being denied the use of the necessity defense? We could talk by phone; I would call you at about 9:45 AM. If you are available, please send me a phone number I can call. Thank you for all you do Robert. Joseph

Joseph Gainza  
Producer and Host  
Gathering Peace  
Tuesdays 9-10:30 AM  
WGDR 91.1 FM; WGDH 97.1 FM  
[www.wgdr.org](http://www.wgdr.org) live streaming & archive

"At the risk of sounding ridiculous, let me say that the true revolutionary is guided by great feelings of love." Che

"Love has hands to help others. It has feet to hasten to the poor and needy. It has eyes to see misery and want. It has ears to hear the sighs and sorrows of others. That is what love looks like." St. Augustine

STATE OF VERMONT

SUPERIOR COURT  
CHITTENDEN UNIT

FAMILY DIVISION

STATE OF VERMONT  
v.

MICHAEL McCLEESE

DOCKET NO. 2425-8-18 Cncr

CONSTANCE LESOLD

DOCKET NO. 2422-8-18 Cncr

---

**NOTICE OF APPEAL**

NOW COME, defendants in the above reference matter and give NOTICE of their exercising their right to appeal their conviction after a jury trial conducted on March 11, 2019. In part, defendants seek review of appellate review of this Court's "Order Re: Motions in Limine" ("Order") granting the State's Motions in *Limine*. The Court's challenged Order precluded defendants from pursuing their defense of choice, a necessity defense. In addition, the Order precludes defendants from testifying to their motivation for taking their actions resulting in the instant charges, or making any mention of ICE or family separation.

Respectfully submitted by:

DEFENDANTS

Dated: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_



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# In unusual move, protesters take case to trial



(WCAX)

By Dom Amato

Published on 01-13-2024 11:58 AM EST



Two protesters arrested last July took their case to trial. While the 11 others arrested during the same demonstration believe they committed no crimes. Our Dom Amato has the story.

"Well, I won't pay the fine or do community service," Mike McCleese said.

McCleese, 60, and Constance Lesold, 81, were among 13 people arrested in Williston last July. They were protesting the family separation policy.

"More than a disgrace, I see it as a crime," McCleese said.

ADVERTISEMENT

While 11 other protestors settled for 25 hours of community service, McCleese and Lesold wanted to go to trial.

"If the little people don't speak out in this country and continue to speak out, what's the point of our having these o

ADVERTISEMENT

But a jury found them guilty of disorderly conduct for tying up traffic.

Lesold says she may appeal. If the \$250 fine is not paid, it will likely end up in collection.

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# Chittenden County

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**Sarah George**

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- Kelton Olney - Deputy State's Attorney
- Emily Pijanowski - Deputy State's Attorney
- Ryan Richards - Deputy State's Attorney
- Alexandra Sturges - Deputy State's Attorney
- Jacqueline Whitman - Deputy State's Attorney
- Karen Burns - Victim Advocate
- Elizabeth Dziobek - Victim Advocate
- Kathyria Ferrer-Rodriguez - Victim Advocate
- Nietra Panagoulis - Victim Advocate

## Contact

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### Office Address

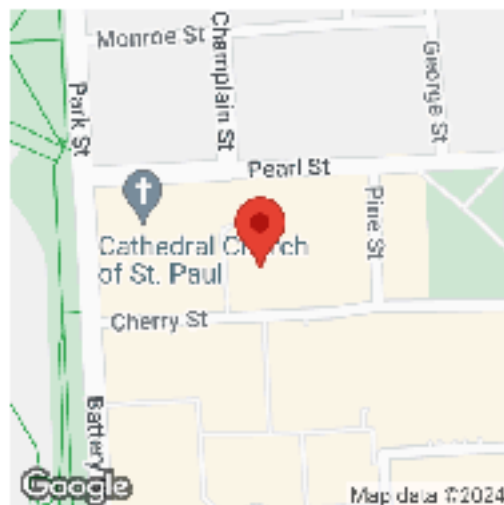
32 Cherry Street Suite 305

Burlington, VT 05401

Phone: (802) 863-2865

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**Daniel Gamelin**

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- Chris Major - State Transport Deputy
- Thomas Oliver - State Transport Deputy
- Robert Stebbins - State Transport Deputy
- Daniel Gamelin - Sheriff

### Contact

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#### Office Address

70 Ethan Allen Drive  
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Department of State's Attorneys and Sheriffs

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