



**STATE OF VERMONT
SENATE CHAMBER
115 STATE STREET
MONTPELIER, VT
05633-5201**

September 3, 2008

Lee Suskin, Court Administrator
Court Administrator's Office
111 State St.
Montpelier VT 05609-0701

Dear Lee:

My purpose in writing is to request further information in order better to understand decisions that were made in the Michael Jacques case. The Senate Committee on Judiciary is very sensitive about not interfering with the prosecution of this case. The information we are seeking simply follows up on Committee discussions after reviewing the Court files regarding Mr. Jacques. The Senate Committee on Judiciary has a number of questions it would like to propose to members and employees of the Judiciary.

General Questions for Judges

Have you received any education or training on issues related to sex offenders and victims, treatment needs of both, and sentencing issues and considerations for sex offenders?

What is your understanding of sentencing goals for sex offenders?

What is your understanding of the use of special conditions for sex offenders and what latitude the Court has in setting conditions?

What is your understanding of the benefits/weaknesses of the use of deferred sentences and split sentences in sentencing sex offenders?

For the Court Administrator

Is there any process to ensure that judges receive training/education in matters relating to sexual assault, child sexual abuse, treatment of offenders and victims, and considerations in sentencing sex offenders? What has been provided?

Given the number of different judges who heard cases involving Mr. Jacques, has the Court considered revising the policy of rotating judges.

How many requests for discharge from probation were filed in the Jacques?case For each request, please provide information about the case, when and by whom, with what outcome?

For Judge Cook

Why wasn't a pre-sentence investigation ordered in the Jacques case when he was being sentenced on a kidnapping/aggravated sexual assault conviction?

What was the rationale for the split sentence of 6-20 years, all suspended but 6 years, in the case?

For Retired Judge Shireen Fisher

You sentenced Mr. Jacques to four days on a work crew for violating his probation for living somewhere other than where he was required to be living. Considering the violation was only six months after Judge Suntag increased Mr. Jacques' probation based on a request by the supervising probation officer, why did you feel such a sentence was appropriate and why did you not report the violation to the Department of Social and Rehabilitation Services, as other judges have done in the past.

For Judge Davenport

What was the rationale for refusing to require routine polygraph testing as an added condition in the Jacques case?

What was your rationale for discharging Mr. Jacques from probation, given his conviction for kidnapping and aggravated sexual assault of a young woman?

What was your assessment of the risk to the public that Mr. Jacques represented at the time of his discharge from probation?

We appreciate the Judiciary's effort to provide the Committee with as much information as possible. We have no wish to conduct a "witch-hunt," yet we are all accountable to the public for conducting a thorough review and acting on the information we find. In order for the Committee to be able to respond at our meeting on September 11th, I would appreciate your response by September 9th. Please feel free to contact me if you have any questions about this request.

Sincerely,

Richard Sears, Chair
Senate Judiciary Committee