

# School shooting plot evidence not enough to hold teen, says high court

Jess Aloe, Burlington Free Press

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(Photo: GLENN RUSSELL/FREE PRESS)

A Vermont teen accused of [planning a mass shooting](/story/news/2018/02/16/teen-arrested-fair-haven-school-shooting-threat/344409002/) at Fair Haven Union High School should not be kept in jail pending his trial, the Vermont Supreme Court ruled Wednesday.

The reason, the high court ruled, is there's not enough evidence to show the suspect attempted a crime as defined by state law, only that he prepared to commit a crime.

The decision is a reversal of a Rutland trial judge's order that Jack Sawyer, 18, be held without bail. Sawyer is charged with attempted aggravated murder and attempted first-degree murder, which carry the possibility of life imprisonment with no chance of parole.

Vermont's Constitution allows that a person should be released on bail -- unless the person is charged with an offense punishable by life imprisonment and the evidence of guilt is great.

"We hold that the weight of the evidence is not great that defendant has committed any act or combination of acts that would satisfy Vermont's definition of an attempt to commit any of the charged crimes," the published decision, signed by Associate Justices Beth Robinson, Harold Eaton Jr. and Karen Carroll, reads.

The prosecutors released this statement in reaction to the ruling:

"The State is incredibly disappointed in the Supreme Court's decision and interpretation of Vermont law. The State believes that Mr. Sawyer did commit an 'overt act' in satisfaction of the attempt statute and as determined by the trial court judge. Nevertheless, the State respects the Supreme Court's authority and is bound by its ruling."

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Wednesday's ruling hinges on the definition of an "attempt" under Vermont law, which "requires an intent to commit a crime, coupled with an act that, but for an interruption, would result in the completion of a crime," the court said.

Investigators said they recovered a diary from Sawyer's car, titled "Journal of an Active Shooter," that detailed a list of people he planned to kill. Police also said that he had purchased a gun.



"Each of defendant's actions was a preparatory act, and not an act undertaken in the attempt to commit a crime," the decision says. "Therefore, as a matter of law, defendant's acts did not fall within the definition of an attempt."

The justices wrote that the court has consistently held that preparation alone does not meet the standard for an "attempt," but said the Legislature could pass a law revising the definition of an attempted crime.

Whether Sawyer could be jailed pending his trial was the subject of a two-day hearing. Judge Kelly Green, told reporters at the time that she believed the state had charged

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charges including attempted murder in connection with the threat of a mass shooting at Fair Haven Union High School. (Photo: RYAN MERCER/FREE PRESS)

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