

NOTICE OF PLEA AGREEMENT Date March 25, 2025
STATE OF VERMONT CRIMINAL DIVISION
WINDHAM Unit Docket No. 25-CR-02870

SUPERIOR COURT
WINDHAM Unit

STATE OF VERMONT	v.	Defendant's Name Kim M. Cassidy	DOB 0 4 / 2 4 / 6 6
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The State of Vermont and the Defendant named above enter into the following agreement:

Charge: <u>Rx Fraud 18VSA4223(a)(1)</u> Docket Number: <u>25-CR-02870</u> Amended: Yes <input checked="" type="checkbox"/> Amended Charge Code: _____ Amended Section No: _____ Guilty Nolo Contendere SENTENCE: FINE \$ <u>500</u> & Surcharge \$ <u>222</u> (Min.) ____ Yr. ____ Mo. ____ Days (Max.) ____ Yr. ____ Mo. ____ Days Concurrent Consecutive Suspended with Probation: Yes No Term of Probation: ____ months yrs Treatment Credit: _____ Days Out-of-State Credit: _____ Days Local Lock-up Credit: _____ Days All Suspended except ____ days months yrs	Charge: _____ Docket Number: _____ Amended: Yes No Amended Charge Code: _____ Amended Section No: _____ Guilty Nolo Contendere SENTENCE: FINE \$ _____ & Surcharge \$ _____ (Min.) ____ Yr. ____ Mo. ____ Days (Max.) ____ Yr. ____ Mo. ____ Days Concurrent Consecutive Suspended with Probation: Yes No Term of Probation: ____ months yrs Treatment Credit: _____ Days Out-of-State Credit: _____ Days Local Lock-up Credit: _____ Days All Suspended except ____ days months yrs	Charge: _____ Docket Number: _____ Amended: Yes No Amended Charge Code: _____ Amended Section No: _____ Guilty Nolo Contendere SENTENCE: FINE \$ _____ & Surcharge \$ _____ (Min.) ____ Yr. ____ Mo. ____ Days (Max.) ____ Yr. ____ Mo. ____ Days Concurrent Consecutive Suspended with Probation: Yes No Term of Probation: ____ months yrs Treatment Credit: _____ Days Out-of-State Credit: _____ Days Local Lock-up Credit: _____ Days All Suspended except ____ days months yrs
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TOTAL _____ n/a _____
SENTENCE: _____ Total FINE & Surcharges: \$722

Cases to be Dismissed by State: Docket # _____ Charge: _____ Docket # _____ Charge: _____ Docket # _____ Charge: _____ Docket # _____ Charge: _____ Docket # _____ Charge: _____ Report Date: _____ Forthwith: _____ PSI Ordered? Yes No Defendant already on probation? Yes No	FILED 25 Vermont Superior Court Windham Unit
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Other: Addendum to Plea Agreement and Waiver of Rights attached and incorporated.

Judgment for State / Operator in civil suspension. Docket No. _____

This is a binding Rule 11 Agreement.

Prosecutor <u>/s/ George Anthes</u>	Date <u>3/25/25</u>
Judge <u>Thomas R. Trachsel</u>	Date <u>3/25/2025</u>

I have reviewed this agreement and understand it.	
Defendant <u>[Signature]</u>	Date <u>3/25/25</u>
Defense Attorney	Date
Guardian ad Litem	Date

SUPERIOR COURT
Windham Unit

CRIMINAL DIVISION
Docket No. 25-CR-02870

STATE OF VERMONT

v.

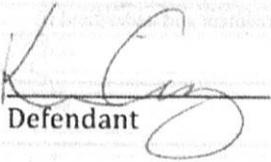
Kim M. Cassidy

FACTUAL BASIS

I, Kim M. Cassidy, understand by pleading GUILTY, I am admitting the essential elements of the offense(s) outlined on page 1 of the plea agreement. In this case, I admit the following elements of the charge(s) of:

1. Prescription Fraud, a violation of 18 V.S.A. §4223(a)(1);
2. _____, a violation of ___ V.S.A. § _____;
3. _____, a violation of ___ V.S.A. § _____.

On or about January 31, 2025, in Bellows Falls, Windham County, I obtained or attempted to obtain a regulated drug by fraud, deceit, misrepresentation or subterfuge; specifically on or about January 31, 2025, a prescription was called in to Fall Mountain Pharmacy in Bellows Falls for Tramadol, purporting to be from a veterinary doctor who had not in fact authorized the prescription, and on February 1, 2025, I attempted to obtain the Tramadol from the pharmacy, purporting to pick up the prescription for a person who did not in fact exist; all in violation of 18 V.S.A. 4223(a)(1).


Defendant

3-25-25
Date

**NOTICE OF THE POTENTIAL COLLATERAL CONSEQUENCES
OF A CONVICTION**

(1) When you plead guilty or are convicted of an offense, you may suffer additional legal consequences beyond jail or prison, home confinement, probation, and fines. These consequences may include:

- (A) Being unable to get or keep some licenses, permits, or jobs;
- (B) Being unable to get or keep benefits such as public housing or education;
- (C) Receiving a harsher sentence if you are convicted of another offense in the future;
- (D) Having the government take your property;
- (E) being unable to serve in the military or on a jury;
- (F) Being unable to possess a firearm; and
- (G) Being unable to exercise your right to vote if you move to another state.

(2) If you aren't a United States citizen, a guilty plea or conviction may also result in your deportation, removal, exclusion from admission to the United States, or denial of citizenship.

(3) The law may provide ways to obtain some relief from these consequences. Contact information for organizations that may be able to offer assistance to persons seeking relief from collateral consequences may be found on the Internet at: <http://forms.vermontlaw.edu/criminaljustice/index.cfm>

(4) Under Vermont law a Vermont conviction may be eligible for expungement or sealing. Potentially relevant statutes include 13 V.S.A. § 7602 and 33 V.S.A. § 5119(g). These statutes can be found on the Internet at:

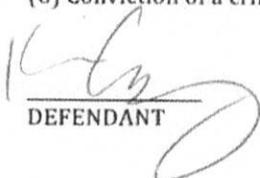
<http://legislature.vermont.gov/statutes/section/13/230/07602>

<http://legislature.vermont.gov/statutes/section/33/051/05119>

(5) Further information about the consequences of conviction is available on the Internet at:

<http://www.ago.vermont.gov/divisions/criminal-division/collateral-consequences-of-conviction.php>

(6) Conviction of a crime in Vermont does *not* prohibit an individual from voting in Vermont.


DEFENDANT

GUARDIAN AD LITEM

3.25.25
DATE

No threats or force have been used against me by anyone to try to make me plead guilty or nolo contendere. I plead guilty or nolo contendere of my own choice, freely and voluntarily. No promises have been made to me by anyone for the State except those which are contained in the attached Notice of Plea Agreement. I agree that there is a factual basis for my plea of guilty, supported by the affidavit of probable cause, and I agree that the following facts are true:

On or about January 31, 2025, in Bellows Falls, Windham County, I obtained or attempted to obtain a regulated drug by fraud, deceit, misrepresentation or subterfuge; specifically on or about January 31, 2025, a prescription was called in to Fall Mountain Pharmacy in Bellows Falls for Tramadol, purporting to be from a veterinary doctor who had not in fact authorized the prescription, and on February 1, 2025, I attempted to obtain the Tramadol from the pharmacy, purporting to pick up the prescription for a person who did not in fact exist; all in violation of 18 V.S.A. 4223(a)(1).

I understand that by pleading GUILTY I admit that I committed the essential parts of the offense(s) with which I have been charged. I understand that by pleading NOLO CONTENDERE I do not deny that I committed the essential parts of the charge(s). I further understand that a plea of GUILTY or NOLO CONTENDERE to a violation of Title 23 of the Vermont Statutes Annotated may result in a suspension of my license or privilege to operate a motor vehicle in the State of Vermont. I understand that, a plea of GUILTY or NOLO CONTENDERE may have certain collateral consequences. I have reviewed the Notice of Potential Collateral Consequences of a Conviction on the reverse side of the attached plea agreement. **I further understand that, if I am not a citizen of the United States, a plea of GUILTY or NOLO CONTENDERE may have consequences of deportation, denial of United States citizenship, or denial of re-entry to the United States.**

I hereby ask the Court to accept my plea of GUILTY NOLO CONTENDERE to the charge(s) listed above. In

making this request, I waive my statutory rights pursuant to V.R.Cr.P. 32 and do not wish to make a statement on my behalf or present any information relevant to sentencing or to have my attorney speak of my behalf. There has been no presentence investigation report in my case.

I hereby ask the Court to accept my plea to the charge(s) listed above and impose the amount of \$ 722 in fines and surcharges, and I agree to pay this amount. I understand that if I do not pay this amount in full, any balance that remains will be referred to collections. I enclose \$ _____ in a check or money order payable to the Superior Court of Vermont for payment of the fine imposed by the Court, plus the applicable mandatory Court surcharges

I hereby ask the Court to accept my plea to the charge(s) listed above and issue a Sentencing Mittimus imposing a sentence of _____ to _____ days to serve on pre-approved furlough work crew. I understand that failure to complete this sentence as a pre-approved work crew may result in my serving the remainder of my sentence in prison. I understand that the Court will also impose a mandatory Court surcharge for each charge to which I have pled GUILTY or NOLO CONTENDERE. I agree to report to Probation and Parole no later than _____ AM PM on _____ to schedule this sentence.

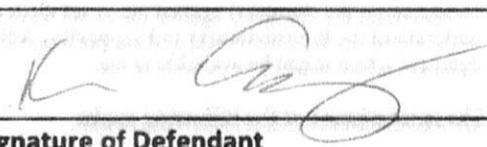
I hereby ask the Court to accept my plea to the charge(s) listed above and issue a Probation Order imposing a sentence(s) outlined in the attached Notice of Plea Agreement and attached Probation Order. I have reviewed all applicable standard and special conditions of probation, based on my signature to that document, agree to those applicable conditions I understand that the Court will also impose a mandatory Court surcharge for each charge to which I have pled GUILTY or NOLO CONTENDERE. I understand that, during the term of my probation, if I do not comply with the applicable standard and special conditions of probation, that the Court may impose sentence up to the underlying sentence outlined in the attached

Notice of Plea Agreement and attached Probation Order. I agree to report to Probation and Parole no later than _____ AM PM on _____ to meet with my Probation Officer.

I hereby ask the Court to accept my plea to the charge(s) listed above and defer sentencing for a period of _____ months/years and issue a Deferred Probation Order imposing as outlined in the attached Notice of Plea Agreement and attached Deferred Probation Order. I have reviewed all applicable standard and special conditions of probation, based on my signature to that document, agree to those applicable conditions. I understand that, during the term of my deferred sentence, if I do not comply with the terms of this agreement, that the Court may impose sentence up to the maximum penalty outlined above and any applicable mandatory minimum sentence(s) and Court surcharges. I agree to report to Probation and Parole no later than _____ AM PM on _____ to meet with my Probation Officer.

I ask the Court to accept my plea in writing as appearing personally in Court would pose the following hardship for me:
Covid and transportation issues.

Date



Signature of Defendant

Signature of Guardian ad Litem
(if defendant is under 18 years of age)

Signature of Defense Attorney

The State consents to the Plea by Waiver and, per Section 5321 of Title 13 of the Vermont Statutes Annotated, the State of Vermont represents that:

- there is no victim.
- the victim(s) have been given advance notice of the defendant's change of plea and their right to personally appear to express reasonably their views concerning the crime, the person convicted, and the need for restitution. The victim(s) is not present and has not expressed, either orally or in writing, views regarding sentencing or the proposed deferral of sentencing.

Date

3/25/25

/s/ George Anthes

Signature of State Attorney

ORDER

I find that the defendant's personal appearance would cause a hardship that would outweigh any advantage and hereby accept the defendant's plea to the charges listed above, finding it to be voluntary and made with knowledge and understanding of its consequences after a knowing waiver of constitutional rights. The plea has a factual basis. I adjudge the defendant guilty and enter a judgment of guilty.

I do not accept the defendant's plea by waiver for the charge(s) listed above.

Date

3/25/2025



Signature of Judge

Page ___ of ___

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ADDENDUM TO PLEA AGREEMENT

1) Defendant understands and waives all rights under both 13 V.S.A. Sec. 7042 and V.R.Cr.P. 35(b) to move for reduction of the sentence imposed under this Agreement, except to the extent that the penalty imposed is greater than that recommended in this Agreement. Defendant also understands and waives all rights under 28 V.S.A. 253 to move for reconsideration or modification of any condition(s) of probation imposed pursuant to this plea agreement.

2) At any time before the imposition of the sentence agreed upon herein, the State reserves the right, in its sole reasonable discretion, to withdraw from this plea agreement in the event either of the following occurs: (1) probable cause is found for a new criminal offense(s) against Defendant; or (2) any new and material information arises regarding the subject criminal charge(s) that was not known to the State at the time of entering into this plea agreement. In executing and delivering this plea agreement, Defendant understands and acknowledges that the aforementioned terms are material conditions of this plea agreement.

3) The Addendum to Plea Agreement, Plea Agreement, and Waiver of Rights form the complete agreement of the parties and may not be altered or amended, except in writing signed by both parties.

WAIVER OF RIGHTS

Being the Defendant in this criminal case, I understand that I have certain constitutional and statutory rights. In support of my desire to change my plea to the offense(s), I represent to the court that I understand these rights and make the appropriate waivers thereof. As evidence of my knowing, intelligent, and voluntary waiver, my signature is at the bottom of this document, as well as on the Plea Agreement.

(1) I understand the charge(s) against me as set forth in the Information(s) and the Plea Agreement. I have read and understand the Information(s) and supporting Affidavit(s). I am aware of the evidence to support the charge(s) and any defenses which might be available to me.

(2) Check whichever of the following apply:

(a) I have consulted and discussed my case(s), the Plea Agreement, and this Waiver of Rights with my attorney. I have carefully considered the advice and counsel that my attorney has provided with regard to these matters. Having that advice and counsel in mind, I wish to change my plea(s) in accord with the plea agreement. I have had a full opportunity to assess the advantages and disadvantages of a trial, as compared with those attending my plea(s).

(b) Although I represent myself, I fully understand the charge(s) described in the Information(s), and I have considered whether it is in my best interest to sign this Plea Agreement or to insist on my right to a trial.

(c) I have discussed my plea with my Guardian Ad Litem, whose signature below indicates his/her agreement with my decision to plead to the charge(s).

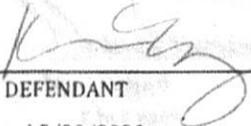
(3) I understand that the State has the burden of proving me guilty beyond a reasonable doubt. I understand that I am entitled to continue with my plea(s) of not guilty and, if so, have the following rights:

- (a) to either a trial by court or by jury;
- (b) to be confronted with witnesses against me and to cross examine those witnesses;
- (c) to maintain my own silence;
- (d) to present evidence and to have witnesses brought to the Court for me;
- (e) to present any defenses available; and if convicted
- (f) to appeal my conviction and/or sentence.

(4) No promises have been made to me by anyone from the State, except those contained in the written Plea Agreement.

(5) I understand that if my plea is GUILTY, I am admitting the essential elements of the offense(s). I understand that if my plea is NO CONTEST, I am not contesting that the State could prove that I committed the essential elements of the charge(s) contained in the Information(s), and that the State has sufficient evidence to convict me of the offense(s). I have read this Waiver of Rights and consulted with my attorney about it, if I am so represented, or considered it carefully on my own, or with my Guardian Ad Litem (as indicated by my checkmarks in section 2 above), and I understand it fully. I hereby knowingly and voluntarily give up each and every one of the rights written above, and ask the Court to accept my plea(s), making no claim of innocence. I ask the Court to accept my plea(s) and to proceed to sentence me as required by law.

(6) I understand that, if I am not a citizen of the United States of America, admitting to facts sufficient to warrant a finding of guilt, or entering a plea of guilty or nolo contendere (no contest) to a crime, may have consequences of deportation or denial of United States citizenship.


DEFENDANT

GUARDIAN AD LITEM



DATE