

STATE OF VERMONT  
FRANKLIN COUNTY, SS.

STATE OF VERMONT

DISTRICT COURT OF VERMONT

V.

UNIT III, FRANKLIN CIRCUIT

POOL, GARY STEVEN

DOCKET NO. 217-2-09FRCR

**STATE'S MOTION TO AMEND INFORMATION**

Now comes the State of Vermont, by and through its attorney, Diane C. Wheeler  
NOW COMES the State of Vermont by and through its Franklin County Deputy State's  
Attorney, Diane C. Wheeler, and respectfully moves this Honorable Court to amend the  
information in the above referenced docket number as follows :

**AMEND COUNT #2:**

**STRIKE:** Mistreatment of Persons of Unsound Mind

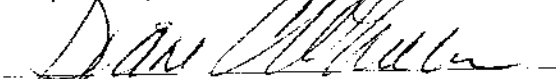
**ADD:** Disorderly Conduct CHARGE CODE: 13V1026(1), OFFENSE CLASS: M

Gary Pool, in this Territorial Unit, in the County of Franklin, at Swanton, on or about January  
12, 2009, recklessly created a risk of causing a public annoyance by engaging in tumultuous  
behavior, to wit, yelling at K.M., in violation of 13 V.S.A. § 1026(1).

Penalty: imprisoned not more than 60 days or fined not more than \$500.00 or both

DATED at St. Albans, VT this 6<sup>th</sup> day of July, 2009.

Respectfully submitted,

  
Diane C. Wheeler  
Deputy State's Attorney

So Ordered.

I have read the amendment and have found probable cause.

DATED at St Albans, Vermont this \_\_\_\_\_ day of 2/13, 2009.

  
\_\_\_\_\_  
Hon. Michael S. Kupersmith  
District Court Judge

Cc: Maryanne E. Kampmann

DEFENDANT: Gary S. Pool  
DOB: 09/08/1953 AGE: 55  
ADDRESS: 652 McKinstry Hill Road  
Hyde Park, VT 05655

ARRAIGNMENT DATE: 03/02/09  
SA CASE NO.: 2009FR02109A  
ASSIGNED PROSECUTOR: Diane C. Wheeler  
POLICE DEPT.: Franklin County Sheriff's Department  
INVESTIGATING OFFICER: Sodaro, Gregory  
ADVOCATE: Kelly Woodward  
INCIDENT NO.: 09FRC01115

STATE OF VERMONT  
FRANKLIN COUNTY, SS

STATE OF VERMONT

DISTRICT COURT OF VERMONT

V

UNIT III, FRANKLIN CIRCUIT

GARY S. POOL

DOCKET NO. 217-2-09FRCR

**AMENDED** INFORMATION BY STATE'S ATTORNEY

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

COUNT 1 OF 2

CHARGE CODE: 13V1023A1, CHARGE NAME: Assault-Simple, OFFENSE CLASS: M

Gary S. Pool, in this Territorial Unit, in the County of Franklin, at Swanton, on or about January 12, 2009, recklessly caused bodily injury to another, to wit, K.M., in violation of 13 V.S.A. § 1023(a)(1).

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

**ADDED**

COUNT 2 OF 2

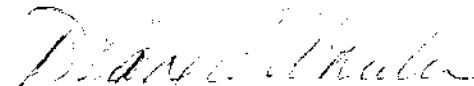
CHARGE CODE: 13V1306, CHARGE NAME: Mistreatment Of Person Of Unsound Mind, OFFENSE CLASS: M

Gary S. Pool, in this Territorial Unit, in the County of Franklin, at Swanton, on or about January 12, 2009, wilfully and maliciously teased, plagued, annoyed, angered, irritated, maltreated, worried or excited another of unsound or feeble mind, to wit, K.M., in violation of 13 V.S.A. §1306.

Penalty: imprisoned not more than 1 year or fined not less than \$5.00 nor more than \$100.00 or both.

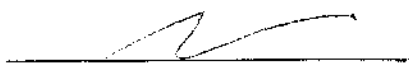
Against the peace and dignity of the State.

DAIED: May 15, 2009

  
\_\_\_\_\_  
State's Attorney (Deputy)

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

DATED: 5/28/09

  
\_\_\_\_\_  
District Court Judge

DEFENDANT: Gary S. Pool  
DOB: 09/08/1953 AGE: 55  
ADDRESS: 652 McKinstry Hill Road  
Hyde Park, VT 05655

ARRAIGNMENT DATE: 03/02/09  
SA CASE NO.: 2009FR02109A  
ASSIGNED PROSECUTOR: Diane C. Wheeler  
POLICE DEPT.: Franklin County Sheriff's Department  
INVESTIGATING OFFICER: Sodaro, Gregory  
ADVOCATE: Kelly Woodward  
INCIDENT NO.: 09FRC01115

STATE OF VERMONT  
FRANKLIN COUNTY, SS

STATE OF VERMONT

DISTRICT COURT OF VERMONT

V

UNIT III, FRANKLIN CIRCUIT

GARY S. POOL

DOCKET NO. 217-2-09FRCR

INFORMATION BY STATE'S ATTORNEY

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

COUNT 1 OF 1

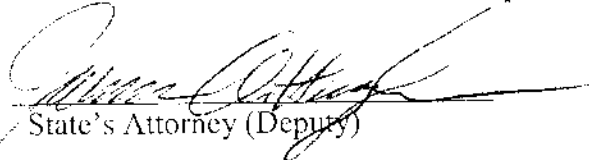
CHARGE CODE: 13V1023A1, CHARGE NAME: Assault-Simple, OFFENSE CLASS: M

Gary S. Pool, in this Territorial Unit, in the County of Franklin, at Swanton, on or about January 12, 2009, recklessly caused bodily injury to another, in violation of 13 V.S.A. § 1023(a)(1).

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

Against the peace and dignity of the State.

DATED: February 20, 2009

  
State's Attorney (Deputy)

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

DATED:

  
District Court Judge

AFFIDAVIT

STATE OF VERMONT  
FRANKLIN COUNTY, ss.

NOW COMES Deputy Gregory Sodaro, affiant(s), being duly sworn and on oath, deposes and says he has probable cause to believe that Gary POOL(DOB: 09/08/1953, 652 McKinstry Hill Road, Hyde Park Vt. 05488) has committed the offense(s) of Simple Assault, a violation of T13, Vermont Statutes Annotated § 1023.

- 1) THAT the affiant states he has been certified by the Vermont Criminal Justice Training Council as a fulltime police officer since November 2000. That the affiant's current rank and duties are those of Deputy Sheriff with the Franklin County Sheriff's Office; and, THAT he has held those duties for eight years prior to the date hereof and is currently assigned to Missisquoi Valley Union High School as their resource officer. FURTHER, THAT the information contained herein is based upon personal knowledge and observations as well as information received from brother/sister officers acting in their official capacities;
- 2) THAT on 01/14/2009 at 0900 hours I received a phone call from the Franklin County Sheriff's Office (Dispatcher Cooper) regarding a parent wanting to file assault charges on behalf of his son. Dispatcher Cooper gave him the appropriate paperwork and said that he would phone me with the information. The information was as follows: Father of Juvenile #1 stated his son was assaulted on 01/12/2009 at the Annex Building (MVU offsite facility) in Swanton, Vt. 05488 by Mr. Gary POOL (DOB: 09/08/1953, 652 Mckinstry Hill Road, Hyde Park, Vt. Telephone 802-888-0186 or 760-0753), a Special Education teacher employed by MVU. JUVENILE #1 is a special education student (Autistic) who attends MVU.
- 3) On 01/14/2009 at 0930 hours I met with Mr. Paul FASSLER (DOB: 1252 Pattee Hill Road, Milton, Vt. 05468, Telephone 802-524-6642), MVU Special Education Administrator. He told me that a complaint had been filed against Mr. POOL for allegedly assaulting JUVENILE #1 by

Subscribed and sworn to before me on  
this 29 day of Jan, 09

[Signature]  
(Notary Public) (Judicial Officer)

[Signature: Deputy G. Sodaro]

(Affiant)  
01/29/2009  
(Date)

Ms. Tiffanie TOWLE who works with JUVENILE #1 at the off site MVU Facility. Mr. FASLER provided me with copies of statements he received from Ms.TOWLE as well as Mr. POOL. Mr. FASSLER stated that Mr. POOL was put on administrative leave and the alleged information was also turned over to DCF.

- 4) THAT on 01/14/2009 at 1300 hours I met with Father of JUVENILE #1 to formally fill out paperwork on his son's behalf. He stated that because his son has autism and is limited he had concerns with him even trying to get information down on paper let alone trying to explain the situation verbally. He wanted to fill the affidavit out on what he could gather from his son. I told him to fill out the affidavit on behalf of his son and return it to me. Father of JUVENILE #1 also gave me names and phone numbers of possible witnesses.
- 5) THAT on 01/15/2009 at 0916 hours I met with Ms. Heidi MOSHER (DOB: 02/09/1968, 1810 Lower Newton Road, St. Albans, Vt. 05478, Telephone 802-524-2269) Adaptive Curriculum Coordinator for Special Education for the FNWSU school district. Her name was given to me by Father of JUVENILE #1 as a possible witness. Ms. MOSHER could not offer any first hand information as she was not present when said incident occurred. All she knew was what was told to her by Ms. TOWLE who apparently had first hand knowledge of the event. She did state that she reported what Ms. TOWLE had communicated to her to Mr. FASSLER.
- 6) THAT on 01/15/2009 at 1107 hours I met with Melissa MEDOR (DOB: 02/17/1977, 40 North Elm Street, St. Albans, Vt. 05478, Telephone 782-5039) JUVENILE #1's shared living provider (Monday-Friday). She stated that when JUVENILE #1 was dropped off at her home on Monday 01/12/2009 he complained that his chest hurt. JUVENILE #1 pointed to his chest and said "Hurt You" (According to Ms. MEDOR when JUVENILE #1 says you he means me). Ms. MEDOR asked why his

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this 29 day of Jan '09

[Signature]  
(Notary Public) (Judicial Officer)

[Signature]  
(Affiant)

01/29/2009  
(Date)

chest hurt. He said "Gary Hurt you, broken shovel, buy a new one". Ms. MEDOR tried to ask more questions but JUVENILE #1 only repeated "Buy new shovel, no Gary, hurt you, throw Gary in the dumpster." Ms MEDOR said she checked JUVENILE #1's body. She did not see any bruising nor any physical signs of injury. Ms. MEDOR took him to the emergency room to be checked out. She stated x-rays were taken but there were neither broken bones nor any bruising reported to her by the Hospital.

- 7) THAT on 01/15/2009 at 1210 hours I spoke by phone with James CANTOR (DOB: Telephone 1-450-298-1179), a respite worker that deals with Mr. JUVENILE #1. He said he came to the Annex building in Swanton to pick up JUVENILE #1 to go bowling on the afternoon of 01/12/2009 at 0245 hours. He asked the MVU staff how JUVENILE #1's day was. Ms. TOWLE looked upset and just walked away. Mr. POOL seemed agitated and said JUVENILE #1 had become irritated and had swung a shovel at him. Mr. POOL said that he felt like he was being attacked by JUVENILE #1. Mr. CANTOR thought it was strange that Mr. POOL still wanted him to take JUVENILE #1 bowling despite his previous behavior. While bowling JUVENILE #1 kept saying 'HURT' numerous times. Mr. CANTOR said he checked him over but did not see any signs of injury. Mr. CANTOR thought maybe he just had a stomachache as he is not very verbal. Mr. CANTOR said he dropped JUVENILE #1 off at Ms. MEDOR's home after the bowling session.
- 8) THAT on 01/15/2009 at 1300 hours I spoke with Tiffanie TOWLE (DOB: 08/23/1969, 99 Platt Road, Highgate Springs, Vt. 05460, Telephone 802-868-3066) Behavior Interventionist, about the alleged incident. According to her JUVENILE #1 arrived at the Annex building at approximately 1245 hours on 01/12/2009. One of JUVENILE #1's jobs is to do some shoveling of snow before he is rewarded with some computer time. According to Ms. TOWLE, Mr. POOL was getting agitated because it

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this 29 day of Jan, '09

[Signature]  
(Notary Public) (Judicial Officer)

[Signature]  
(Affiant)  
01/29/2009  
(Date)

was taking JUVENILE #1 a long time to get a pair of gloves on. As JUVENILE #1 was leaving the classroom he headed in the wrong direction. Mr. POOL yelled "Nope Wrong Way" and grabbed JUVENILE #1's coat from behind. As Mr. POOL pulled him back JUVENILE #1 fell backwards on the floor. Mr. POOL continued to pull him along the floor. Ms. TOWLE said "This is crazy and this should not be happening." JUVENILE #1 managed to get up and was standing in the door frame of the outside door saying "No Shovel Computer". He kept repeating the statement which seemed to annoy Mr. POOL. JUVENILE #1 eventually took the shovel and did some shoveling of snow. He then went back inside the outside door because he wanted to be done. Mr. POOL Grabbed the shovel and using both hands pinned JUVENILE #1 into the door jam across his chest with enough force to snap the end of the handle off. JUVENILE #1 had a look of fear across his face. JUVENILE #1 then returned to the outside and finished the shoveling. When it was time to reenter the building Mr. POOL would not punch the door code to allow everyone to enter. He thought it was funny. According to Ms. TOWLE, Mr. POOL played this mind game for ten minutes. Finally Ms. TOWLE said her feet were freezing and Mr. POOL needed to open the door now. Mr. POOL complied. Once they were back inside the situation seemed to calm down. JUVENILE #1 was eventually picked up to go bowling at 1445 hours by Mr. CANTOR. Ms. TOWLE then returned to MVU to report the incident to Mr. FASSLER

- 9) THAT on 01/16/2009, I obtained a copy of the statement Mr. POOL gave Mr. FASSLER about the alleged incident. In the statement Mr. POOL stated he told JUVENILE #1 that some shoveling needed to be done before he could have some computer time. JUVENILE #1 first refused but then realized the no shoveling = no computer. As he got ready to go outside Mr. POOL noticed he had no gloves. Ms. MOSHER obtained a pair for him. JUVENILE #1 obtained a shovel. Mr. POOL exited first and

Subscribed and sworn to before me on

this 29 day of Jan, 09

[Signature]  
(Notary Public) (Judicial Officer)

[Signature]  
(Affiant)  
01/29/2009  
(Date)

JUVENILE #1 began backing out through the door. Mr. POOL stated that JUVENILE #1 became verbally agitated about shoveling and began waving the shovel around. Mr. POOL said that Ms. TOWLE was still in the hallway in front of JUVENILE #1. Mr. POOL was afraid JUVENILE #1 was going to hurt himself or some one else by waving the shovel. Mr. POOL stated that JUVENILE #1 has a history of throwing things when he has a tantrum. Mr. POOL felt at that point it was important to control JUVENILE #1. Mr. POOL grabbed his jacket with his left hand to steer him out the door and attempted to grab the shovel handle with his right hand. JUVENILE #1 then sat down abruptly in the doorway. Mr. POOL helped him up and held him in the doorway telling him he needed to chill out/calm down. After a couple of minutes JUVENILE #1 appeared calm and Mr. POOL asked if he was ready to shovel. He responded yes. As he started to shovel he hit a piece of ice and immediately got agitated saying "Its stuck, can't push." He then started slamming the shovel against the ground causing the handle to break. JUVENILE #1 said "Shovel broken, Buy new one." Mr. POOL asked if breaking the shovel was a good choice and JUVENILE #1 responded no. JUVENILE #1 became fairly calm and finished his shoveling task thus earning his computer time.

- 10) WHEREFORE, the undersigned affiant states that he has probable cause to believe that the said Gary POOL did commit the crime or crimes of Simple Assault, a misdemeanor as defined in Title 13 Vermont Statutes Annotated, Section 1023

Subscribed and sworn to before me on

this 29 day of Jan, '09

[Signature]  
(Notary Public); (Judicial Officer)

[Signature]  
(Affiant)  
01/29/2009  
(Date)

Franklin County Sheriff's Office  
Bail Statement  
09FRC0115

**NAME:** Gary Pool

**ALIAS:**

**DOB:** 09/08/1953

**POB:** Greencastle, IN

**PRESENT ADDRESS:** 652 McKinistry Hill Rd, Hyde Park VT 05655

**LENGTH AT PRESENT ADDRESS:**

**PREVIOUS ADDRESS:**

**LENGTH AT PREVIOUS ADDRESS:**

**OCCUPATION:** teacher

**LENGTH OF EMPLOYMENT:**

**EMPLOYER NAME:** MVU

**EMPLOYER ADDRESS:** Highgate VT

**PARENTS (FOR JUVENILES):**

**FATHER:**

**MOTHER:**

**OFFENSE:** T 13 VSA 1023  
Simple Assault

**PREVIOUS ARRESTS (USE REVERSE IF NEEDED)**