



ENTRY ORDER

MARCH TERM, 2022

State of Vermont v. Kory L. George* } APPEALED FROM:
 } Superior Court, Chittenden Unit,
 } Criminal Division
 } CASE NO. 4031-11-19 Cncr

In the above-entitled cause, the Clerk will enter:

In the above-captioned case, this Court granted the parties’ motion to file their appellate briefs confidentially. As the parties explained in that motion, in proceedings in the criminal division, defendant made a proffer to the State and pursuant to the criminal division’s order that proffer is nonpublic pending this appeal. The sole issue in this case is whether the State may disclose the substance of the proffer and the parties’ briefs refer or cite directly to the proffer transcripts. On March 7, 2022, this Court issued an order to show cause why oral argument should be closed to the public. In response, defendant argued that oral argument should be closed to the public because the argument is highly likely to require a discussion of the contents of the proffer. Defendant explained that should oral argument be public, it would undermine the trial court’s order prohibiting disclosure of the contents of the proffer during pendency of this appeal and could potentially render the question presented to this Court moot. The State took no position. Because a public oral argument could irreversibly contravene the interests sought to be protected in this appeal, defendant has shown cause and accordingly oral argument will be closed to the public. See V.R.A.P. 34(j). The recording of oral argument will not be publicly available at this time. The Court may change the public-access status of the recording after it issues its opinion.

Defendant also requests that he be permitted to listen to the closed argument via telephone. To the extent that defendant is able to make his own arrangements for the telephone call, he will be permitted to attend. Should defendant be unable to listen live for any reason, oral argument will not be continued.

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice