

DEFENDANT: BURTON LEWIS CLARK JR
DOB: 07/15/1951 AGE: 72
ADDRESS:
39 HARTLEY HILL ROAD
SAXTONS RIVER, VT 05101

ARRAIGNMENT DATE: November 7, 2023
SA CASE ID.: 23-17530
ASSIGNED (D)SA: ERN:
POLICE DEPT.: VSP - Westminster
INVESTIGATING OFFICER: Det. Sgt. Daniel Hall
VICTIM ADVOCATE:
INCIDENT NO.: 23B1007590

STATE OF VERMONT

SUPERIOR COURT
WINDHAM UNIT

STATE OF VERMONT

v.

BURTON LEWIS CLARK JR

CRIMINAL DIVISION

DOCKET NO.

INFORMATION BY STATE'S ATTORNEY

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

COUNT 1 OF 3

CHARGE CODE: 13V2301/2D&9 | CODE ID: 365 | OFFENSE CLASS: F
CHARGE NAME: MURDER-2ND DEG/ATTEMPT

BURTON LEWIS CLARK JR, in the County of Windham, at Rockingham on or about November 6, 2023, attempted to commit second degree murder by attempting to unlawfully cause the death of another with the intention to kill, in violation of 13 V.S.A. § 2301 and 13 V.S.A. § 9.

Penalty: Imprisoned for life with a presumptive minimum term of 20 years.

COUNT 2 OF 3

CHARGE CODE: 13V1043A2 | CODE ID: 192 | OFFENSE CLASS: F
CHARGE NAME: ASSAULT-AGG DOMESTIC-1ST DEG WITH WEAPON

BURTON LEWIS CLARK JR, in the County of Windham, at Rockingham on or about November 6, 2023, used, attempted to use or was armed with a deadly weapon and threatened to use the deadly weapon on a family or household member, in violation of 13 V.S.A. § 1043(a)(2).

Penalty: Imprisoned not more than 15 years or fined not more than \$25,000.00 or both.

COUNT 3 OF 3

CHARGE CODE: 13V1025 | CODE ID: 157 | OFFENSE CLASS: M
CHARGE NAME: RECKLESS ENDANGERMENT

BURTON LEWIS CLARK JR, in the County of Windham, at Rockingham on or about November 6, 2023, recklessly engaged in conduct which placed or may have placed another person in danger of death or serious bodily injury, in violation of 13 V.S.A. § 1025.

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: November 7, 2023

/s/ *Steven M. Brown*

State's Attorney (Deputy)

Referral(s) if applicable: No Diversion Referral – X No Referral – Reason: serious felony charge

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

DATED: 11/7/2023



Superior Court Judge

ELIGIBLE TO APPLY FOR PD

STATE OF VERMONT
CONDITIONS OF RELEASE ORDER

Defendant <i>Burton Clark Jr</i>	D.O.B. <i>7/15/51</i>	Unit <i>Winthrop</i>	Circuit	Docket Number
			Offense <i>1st Deg Agg Domestic, Attempted 2nd Degree</i>	

The Court has determined that future appearance(s) of the defendant will not be reasonably assured by his/her release on personal recognizance or execution of an unsecured appearance bond alone; or that the release of the defendant will constitute a danger to the public. It is therefore ORDERED that the defendant be released upon the following marked conditions:

You must give the court bail as follows: *hold without bail*

- a. An Unsecured Appearance Bond in the amount of \$ _____.
- b. A Secured Appearance Bond in the amount of \$ _____, with a cash or surety deposit of \$ _____.
- c. A Surety Bond or cash in the amount of \$ _____.
- d. A Peace Bond in the amount of \$ _____, with a deposit of \$ _____.

PROBABLE CAUSE MUST BE FOUND BY A JUDICIAL OFFICER IF HELD ON BAIL FOR MORE THAN 48 HOURS.

1. ☐ You must come to court when you are told to.
 2. ☐ You must give your attorney and the court clerk your address and phone number. If it changes, you must tell them immediately.
 3. ☐ You must not be charged with or have probable cause found for a new offense while this case is open.
 4. ☐ You are released into the custody of _____.
 5. ☐ You must report to _____ police station/barracks and check in on _____ (days) by _____ (time) AM/PM.
 6. ☐ You must live in _____ county. You cannot leave the county without the court's permission.
 7. ☐ You cannot drive any motor vehicle, including a car, truck, or motorcycle.
 8. ☐ You cannot drive any motor vehicle, including a car, truck, or motorcycle unless you have a valid driver's license, one that is not suspended or expired or revoked.
 9. ☐ You must submit to an alcosensor when you report to the police station/barracks.
 10. ☐ You must NOT buy, have or use regulated drugs without a prescription.
 11. ☐ Curfew: _____
 12. ☐ You must NOT buy, have or drink any alcoholic beverage.
 13. ☐ You must NOT buy, have or use any firearms or dangerous/deadly weapons.
 14. ☒ You must NOT have contact with *David Stone, Kelly Boston*, which includes in person, in writing, by telephone, by e-mail or through a third person regardless of whether you are in jail or released.
 15. ☒ You must NOT abuse or harass in any way *David Stone, Kelly Boston* regardless of whether you are in jail or released.
 16. ☐ You must come to court on _____ at _____ AM/PM.
 17. ☐ You may be arrested without a warrant if you do not abide by Condition(s) No. _____.
- Other conditions:
- _____
- _____

VIOLATIONS OF ANY OF THESE CONDITIONS IS A CRIME. If you violate any of these conditions the court may send you to jail or keep you in jail and you may be charged with new crimes. You must follow these conditions until your case is closed or until the court changes the conditions.

Order of the Court:

Presiding Judge/Clerk <i>Judge Treadwell</i>	Date <i>11/7/23</i>
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I have received a copy of this order. I have read it. I understand it.

Defendant <i>Burton Clark Jr</i>	Date <i>11/7/23</i>	Time <i>0457</i>
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**Vermont State Police
AFFIDAVIT**

**STATE OF VERMONT
WINDHAM COUNTY, ss.
Case # 23B1007590**

NOW COMES Detective Sergeant Daniel Hall, affiant, being duly sworn and on oath, deposes and says he has probable cause to believe that Burton Lewis Clark Jr. (DOB:07/15/51) has committed the offenses of First Degree Aggravated Domestic Assault(a)(2) a violation of Title 13, Vermont Statutes Annotated, section 1043 and Attempted 2nd Degree Homicide, a violation of Title 13, Vermont Statutes Annotated, Section 9 (2301) and Recklessly Endangering Another Person a violation of Title 13, Vermont Statutes Annotated, section 1025.

- 1) The information herein is presented solely to establish probable cause for the arrest of Burton Lewis Clark Jr. (DOB:07/15/51) and does not include all the information known to law enforcement at this time. The information contained within this affidavit is based upon my investigation, training, and experience, as well as information conveyed to me by other law enforcement officers having direct knowledge of the events described below.
- 2) On 11/6/23, at approximately 1756 hours, the Vermont State Police Westminster Barracks received a report of a shooting that occurred at 39 Hartley Hill Rd in the Village of Saxtons River (Town of Rockingham) in Windham County. The complainant Kelly Bashaw (DOB:10/24/62) who was at 29 Hartley Hill Rd, reported that Burton Clark Jr. shot David Stanek (DOB:11/07/57) several times. Bashaw also reported that they were family members and still home at 39 Hartley Hill Rd. Troopers from the Westminster Barracks responded to the scene. While Trooper Joseph Galusha was en route, he called Clark Jr. who said he shot Stanek. When they arrived, Clark Jr. was ordered out of the residence and handcuffed by Trooper Cameron McCutcheon. It should be noted when Clark Jr. was transported to the Westminster Barracks he voluntarily made comments that Stanek deserved it and that he wasn't coming back to the house. Clark Jr. also asked if he was going to jail and said it was in self-defense.
- 3) Sgt. Stacy Corlis and Trooper Galusha made entry into the residence. Inside the residence they observed Stanek sitting on the couch with bloody clothes. Stanek informed them that Clark Jr. had shot him. Stanek advised that they had an argument when Clark Jr. grabbed a gun. Stanek wrestled away the gun from Clark Jr. and then Clark Jr. grabbed a second gun and shot him. Sgt. Corliss observed two wounds on Stanek that were believed to be gunshot wounds. Sgt. Corliss also observed a blackish handgun on a shelf next to a recliner chair in the family/living room area.

- 4) While at the Westminster Barracks, Clark Jr. waived his Miranda Rights and agreed to talk to me and Detective Groh. The following is a synopsis of the interview. For actual dialogue and statements made, the reader should refer to the digital audio recording. David Stanek was married to Clark Jr.'s sister Barbara Stanek (DOB:03/09/56). Approximately two years ago, they moved in with Clark Jr. Barbara passed away approximately 2 months after moving in, which just left Clark Jr. and Stanek living at the residence. Clark Jr. complained that Stanek would just drink and smoke all day and would watch Clark Jr. work. During the course of Stanek's stay, he helped contribute to electricity and heating expenses but not for groceries. On 11/6/23, Stanek and Clark Jr. had an argument about Stanek not contributing to the electricity cost. Clark Jr. said that he confronted Stanek about having money to purchase beer and cigarettes but didn't have money for electricity expenses. Stanek told Clark Jr. that he lost his social security benefits and that he owed them \$5,000 as he was overpaid in error. During this argument, Stanek was sitting on the couch in the living room and Clark Jr. was sitting on a recliner chair. According to Clark Jr., Stanek got up from the couch and attempted to jump on Clark Jr.. Clark Jr. said he kicked at Stanek to get him away and struck his leg or groin area. Clark Jr. further stated that Stanek tried to jump on him for a second time at which point he grabbed his revolver handgun that was in the recliner chair. Clark Jr. described the gun as a 22-caliber magnum revolver handgun, 5 shot, stainless steel with brownish wooden grips. Clark Jr. stated that Stanek wrestled the gun away from him and then walked toward the exterior door. Clark Jr. then grabbed a second gun which he described as a black 22-caliber Ruger Mark II handgun with black grips and a bull barrel. Clark Jr. then told Stanek to give his gun back or he would shoot him. Clark Jr. said "give it to me or I'll shoot you". Clark Jr. advised Stanek didn't drop the gun so he shot him. Clark Jr. estimated he shot 8 times and emptied his magazine which contained 7 rounds plus one in the chamber. Clark Jr. stated that by shooting Stanek he got his attention. Stanek never fired the revolver and when Clark Jr. was asked if Stanek pointed the gun at him, Clark Jr. thought Stanek was holding the gun down by his side but mentioned he could easily lift up the gun and point it at him. I also asked Clark Jr. if Stanek threatened him or said anything however Clark Jr. couldn't recall if Stanek said anything. Clark Jr. advised when Stanek jumped on him he was afraid of him and it was self-defense that he shot Stanek. Shortly after the shooting, Clark Jr.'s cousin Kelly Bashaw called and Clark Jr. told her that he shot Stanek.
- 5) I summarized Clark Jr.'s statement with him, and he clarified that Stanek told him last month that his social security payments stopped but tonight told him that he owed them \$5,000. Clark Jr. also clarified where he was when he shot Stanek. Clark Jr. stated that after Stanek grabbed the revolver from him, Stanek walked toward the exterior door. Clark Jr. grabbed his second handgun and told Stanek to give the revolver back or he would shoot him. Clark Jr. followed Stanek and confronted

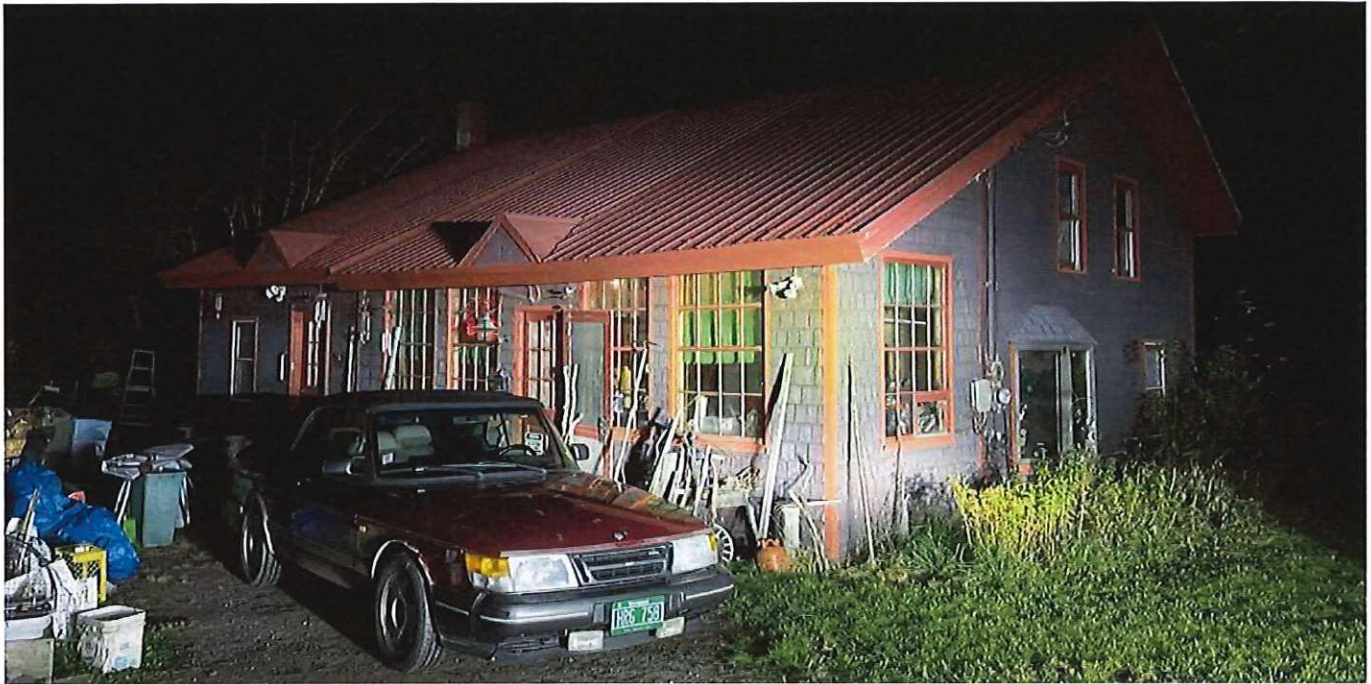
him in the doorway. Clark Jr tried to grab the revolver back from Stanek with his left hand while his right hand was holding onto the semiautomatic handgun. Clark Jr. stated, "if he just dropped it, he wouldn't got shot". Clark Jr. advised he then shot Stanek who was facing him. Clark Jr. swore to his statement and signed a sworn audio statement form.

- 6) Lt. Studin and Detective Groh spoke with the complainant, Bashaw at her residence on 11/6/23 at approximately 2200 hours and learned the following: Bashaw was related to Clark Jr. and was his cousin. On 11/6/23 at approximately 1753 hours, Bashaw called the residence of 39 Hartley Hill Rd and Clark Jr. answered. Bashaw asked Clark Jr. if Stanek wanted beans for dinner and Clark Jr. responded that he shot "David" several times. Bashaw then asked if Stanek was dead, and Clark Jr. replied no but you might want to call 911. Bashaw overheard Clark Jr. asking Stanek if he wanted to be driven to the hospital or have Bashaw call 911. Stanek told Clark Jr. to have Bashaw call 911. Bashaw also reported that Clark Jr. and Stanek argue all the time and that's why she checks on them. Bashaw recalled an incident that occurred a few months prior where Clark Jr. got into an argument with Stanek and shot at Stanek. During that incident Clark Jr. missed Stanek but hit the dishwasher which left a mark from the bullet.
- 7) During the investigation it was learned that Stanek was transported to Springfield Hospital. Trooper Mills was tasked to respond to the Springfield Hospital Emergency Department to attempt to obtain a statement. When Trooper Mills arrived, he was advised by hospital staff that Stanek was in serious condition and was currently intubated which would prohibit him from speaking. Trooper Mills met with Dr. Grey, who informed him that Stanek had sustained a serious bodily injury which was life threatening. He advised the male had an apparent gunshot wound to his left upper thigh / groin area, and another gunshot wound just off center on his neck and adjacent to his trachea. Trooper Mills was informed the male would be transported to Dartmouth Hitchcock Medical Center by DART helicopter for further treatment. Trooper Mills was also informed Stanek's survivability at that time was approximately twenty percent.

39 Hartley Hill Road, Saxtons River, Vermont 05154

- 8) 39 Hartley Hill Road, Saxtons River, Vermont 05154. This is a two-story residence that is grey in color with red trim and a red roof. Bashaw advised that the vehicle in the driveway, in front of the residence, identified as a red Saab 900 VIN YS3AL76LXP7000250 bearing Vermont registration HRG758 belonged to Clark Jr. She advised that both Clark Jr. and Stanek were driving in the vehicle

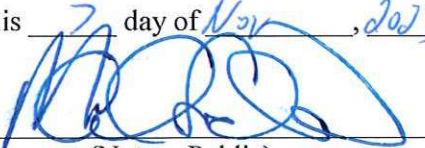
earlier in the day. It is unknown if there was any evidence transferred from the residence to the vehicle prior to the arrival of law enforcement.



- 9) Based on the above facts and circumstances I have probable cause to believe that Burton Lewis Clark Jr. Jr has committed the offenses of First Degree Aggravated Domestic Assault a violation of Title 13, Vermont Statutes Annotated, section 1043, Attempted 2nd Degree Homicide, a violation of Title 13, Vermont Statutes Annotated, Section 9 (2301), and Recklessly Endangering Another Person a violation of Title 13, Vermont Statutes Annotated, section 1025. Clark Jr. committed the offenses of First Degree Aggravated Domestic Assault and Attempted 2nd Degree Homicide when he was armed with a deadly weapon, i.e. handgun and shot Stanek who was a household member. Clark Jr. also committed the offense Recklessly Endangering Another Person when he pointed the handgun at Stanek.

Subscribed and sworn to before me on

this 7 day of Nov, 2023


(Notary Public)


(Affiant)

11/7/23
(Date)