

ENTRY ORDER

SUPREME COURT DOCKET NO. 2020-121

APRIL TERM, 2020

State of Vermont v. Joshua Billado*	}	APPEALED FROM:
	}	
	}	Superior Court, Franklin Unit,
	}	Criminal Division
	}	
	}	DOCKET NO. 783-6-19 Frcr

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

Defendant appeals the trial court’s denial of his motion to amend the conditions of his release. He argues that the trial court erred in denying him a hearing on the motion and erred in refusing to amend his conditions. The trial court determined that defendant’s motion did not present “the sort of emergent situation that would justify or necessitate an immediate hearing” under Administrative Order No. 49, and decided that, “[i]n any event,” the motion was denied. This Court will affirm the trial court’s ruling “if it is supported by the proceedings below.” 13 V.S.A. § 7556(c).

Administrative Order No. 49 directs that as of March 17, 2020, “all nonemergency Superior Court hearings, whether evidentiary or nonevidentiary, will be postponed,” with certain specified exceptions. The trial court was correct that a hearing held pursuant to defendant’s motion would be a “nonemergency” hearing under Administrative Order 49. But the court erred in denying, rather than postponing, a hearing on this basis. Accordingly, we reverse and remand so the trial court may issue an order to postpone the requested hearing in light of Administrative Order No. 49.

Reversed and remanded for further proceedings consistent with this opinion.

FOR THE COURT:

Paul L. Reiber, Chief Justice