

ENTRY ORDER

SUPREME COURT DOCKET NO. 2021-001

JANUARY TERM, 2021

Patrick Marcus Navarre* v. Jim Baker,	}	APPEALED FROM:
Commissioner, Department of Corrections	}	
	}	Superior Court, Windsor Unit
	}	Civil Division
	}	
	}	DOCKET NO. 20-CV-00881

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

Petitioner appealed the civil division’s denial of his petition for a writ of habeas corpus, arguing that Vermont’s Uniform Criminal Extradition Act permits the trial court to exercise discretion to release a person on bail before issuance of a governor’s warrant where that person is subject to a fugitive petition and charged in another state with an offense punishable by life imprisonment.

In December 2020, petitioner was arrested on an out-of-state warrant, and the criminal division concluded that it did not have discretion to release petitioner as a fugitive from justice being held pending issuance of a governor’s warrant under 13 V.S.A. §§ 4955-4956. The court thus held petitioner without bail. Petitioner brought a habeas petition, which the civil division denied, agreeing with the criminal division that trial courts have no discretion to consider bail and/or conditions of release when a fugitive is charged with a crime punishable by life imprisonment.

On January 15, 2021, a governor’s warrant was issued authorizing petitioner’s arrest. The State moved to dismiss this appeal, representing that petitioner joined in and stipulated to the motion, and arguing that the sole issue on appeal is moot because defendant is no longer being held pending execution of a governor’s warrant.

The joint stipulated motion to dismiss the above-captioned appeal is hereby granted, and the appeal is dismissed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice