

*Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2016-377

APRIL TERM, 2017

Britini Trainer	}	APPEALED FROM:
	}	
v.	}	Superior Court, Franklin Unit,
	}	Family Division
	}	
Darren Couture	}	DOCKET NO. 47-3-14 Frfa
		Trial Judge: Martin A. Maley

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

Defendant appeals the trial court’s order denying his request to seal records related to this relief-from-abuse (RFA) proceeding. On appeal, defendant argues that the records should be sealed because the court failed to adequately warn him regarding the consequences of agreeing to the order and failed to appoint a lawyer to represent him despite his disabilities. We affirm.

The record reveals the following. In March 2014, plaintiff filed a request for an RFA against defendant, who at that time was incarcerated. In April 2014, following a hearing, the court issued a final RFA order without findings, at defendant’s request. The order was effective until April 7, 2015. This order was not appealed. Plaintiff subsequently requested to amend the RFA. Following a February 2015 hearing, the court modified the order, extending it to February 2020. In December 2015, defendant moved to vacate the order because of the impact the order was having on his ability to achieve parole. In December 2015, the court denied the motion to vacate, explaining that the original order had been based on the parties’ stipulation and that defendant had not produced any evidence to undermine his voluntary consent to those facts. Defendant did not appeal this order. In September 2016, defendant filed a motion to seal the affidavit supporting the RFA order. The court denied the request, explaining that the final RFA order is public and there was no basis to seal it. Defendant filed a timely notice of appeal.

On appeal, defendant argues that the trial court should have appointed a lawyer to represent him in the underlying March 2014 RFA hearing in light of his disabilities, which he lists as including post-traumatic stress disorder, anxiety attacks, and depression. He cites a range of legal bases for this claim, from the Equal Protection Clause of the United States Constitution to the Americans with Disabilities Act. He further claims that he stipulated to the RFA without findings because he believed that that meant the affidavit in the RFA could not be used against him at a future parole revocation hearing. Defendant argues that, based on the assertions in the affidavit, the Department of Corrections (DOC) is requiring him to make detailed admissions to the allegations or not be released on furlough.

Many of defendant’s arguments are not before us given the context of this appeal. To the extent that defendant contends that there were errors in the unappealed March 2014 RFA order, or

in the trial court's unappealed December 2015 denial of his motion to vacate, those issues are beyond the scope of this appeal. This includes defendant's arguments that on account of his asserted disability he was entitled to court-appointed counsel in the initial RFA hearing, and his argument that his agreement to a final RFA without findings was involuntary because he misunderstood the implications of his actions relative to his parole status. Accordingly, we do not address those questions.

The sole order on appeal is the court's denial of his request to seal the RFA file. In general, case records are accessible to the public unless an exception applies. V.R.P.A.C.R. 6(a). The Rules for Public Access to Court Records state that the complaint and affidavit supporting a request for an RFA are exempt from public disclosure "until the defendant has an opportunity for a hearing." V.R.P.A.C.R. 6(b)(27). This exception does not apply in this case because defendant was granted a hearing. Therefore, there are no grounds to seal the records and the court properly denied defendant's request.

Affirmed.

BY THE COURT:

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Marilyn S. Skoglund, Associate Justice

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Beth Robinson, Associate Justice

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Karen R. Carroll, Superior Judge,  
Specially Assigned