

STATE OF VERMONT

SUPERIOR COURT
Washington Unit

CIVIL DIVISION
No. 594-11-19 Wncv

SOUTHFACE OWNERS' ASSOCIATION,
INC.,

Plaintiff,

v.

SUGARBUSH PROPERTY GROUP, INC. and
ZEKE CHURCH,
Defendants.

ENTRY REGARDING MITTIMUS

On November 10, 2022, the court found Mr. Church in contempt and issued a mittimus commanding “any sheriff or constable in this state” to arrest him and “remit him to the custody of the Commissioner of Corrections.”¹ The court understands that a deputy sheriff subsequently queried court staff as to whether Mr. Church should be so arrested if, at the time of arrest, Mr. Church produces the records that he has contemptuously withheld or, in other words, finally satisfies the condition that would purge the contempt.

The mittimus is a court order directing the sheriff to arrest Mr. Church until further order of the court. The sheriff has no discretion to determine whether Mr. Church should be arrested or has satisfied the purge condition. That is an exclusively judicial function. The sheriff's only role is to arrest Mr. Church as commanded by the mittimus.

The court has indicated that this case will be set for a remote hearing within 7 days following the filing of the return. Mr. Church may request a hearing sooner if he believes he has satisfied the purge condition or is incapable of doing so.

The clerk shall deliver a copy of this entry to the sheriff's office forthwith.

SO ORDERED this 17th day of November, 2022.



Robert A. Mello
Superior Judge

¹ The court notes that the November 10 decision refers to the final judgment in this case as having been entered on May 21, 2021. “May 21” is scrivener's error. The final judgment was entered on May 12, 2021.