

VT SUPERIOR COURT
WASHINGTON UNIT
STATE OF VERMONT

SUPERIOR COURT
Washington Unit

AW

2ND ECT - 4 A 9: 04

CIVIL DIVISION
Docket No. 126-2-18 Wncv

EDDIE CARRASQUILLO
Plaintiff

v.

LISA MENARD, Commissioner,
Vermont Department of Corrections
Defendant

ENTRY
Cross-Motions for Summary Judgment
The State's Motion to Dismiss

Plaintiff-Inmate Eddie Carrasquillo seeks Rule 75 review of the Department of Corrections' calculation of his sentence. The case presents novel issues related to the unusual sentence structure originally in place for him, how the DOC applied consecutive and concurrent Vermont sentences in relation to an ongoing federal sentence, and how the DOC counted earned and automatic reduction of term as a consequence. The parties filed cross-motions for summary judgment addressing those issues.

On August 2, 2019, before the court had a chance to decide the summary judgment motions, the Chittenden Criminal Division amended Mr. Carrasquillo's sentence and he was released on probation. The State then filed a motion to dismiss this case as moot, arguing that it no longer presents any live controversy. Mr. Carrasquillo has not responded to the State's motion to dismiss.

The amendment of Mr. Carrasquillo's sentence and his release on probation appear to supersede any issues presented by this case, which no longer presents any legal controversy. In the circumstances of this case, Mr. Carrasquillo's silence appears to indicate assent to dismissal. This case presents no controversy and is moot.

The cross-motions for summary judgment are denied as moot. The State's motion to dismiss is granted.

So ordered.

Dated at Montpelier, Vermont this 4th day of October 2019.

Mary Mjes Teachout
Mary Mjes Teachout,
Superior Judge