



Criminal Division eFiling Guide

v3 May 2021

NOTE: This guide is NOT intended to be a comprehensive guide to use of the Odyssey File & Serve (OFS) System. It provides supplemental division-specific guidance for eFiling in the Criminal Division. Detailed instructions about registering and using the eFiling system are available at:

<https://vermont.tylerhost.net/ofsw eb> -Self-Help section of the eFiling website contains links to manuals for general system use, as well as various other help resources including training videos and webinars.

<https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing> - VT Judiciary website eFiling page, contains division-specific filer guides, videos and training and support information.

Contents

Accessing Odyssey File & Serve	2
Registration.....	2
Training and Support	2
Criminal Filing Permissions.....	3
Responsive Filings Prior to Case Filing	3
Filing into Older (Pre-VTADS) Cases	3
Instructions for State’s Attorney: Initial Criminal Filing.....	4
Initial Filing of Criminal Cases.....	4
Initial filings for Fish and Game Ticket.....	6
Initial filings for Investigative Requests.....	8
Initial Filings for Civil Miscellaneous.....	8
Subsequent Filings	9
Fees.....	10
Document Formatting	10
Redaction: Filer’s Responsibility	10
Emergency Filings	10
eService.....	11
Requesting Copies.....	11
Viewing Case Records	12

Accessing Odyssey File & Serve

All Vermont Courts have adopted universal efilting in all dockets through the Odyssey File & Serve (OFS) system, which is a web-based platform accessible from any modern browser on a computer or mobile device. OFS can be accessed directly at:

<https://vermont.tylerhost.net/ofsw eb> or via a link on the Vermont Judiciary's website's efilting page at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>

Registration

Registration for efilting is free and simple. All that is required is a valid email address.

There are different registration options for firm/organizational users and independent users such as self-represented litigants. Instructions on how to register are found in the user guides and other materials in the "self-help" section of the OFS homepage

Note: all users including attorneys and self-represented litigants who choose to efile must self-register. Court staff cannot complete registrations on behalf of filers or edit any user's registration information.

Training and Support

- For general information and questions about use of the efilting system, on the OFS homepage <https://vermont.tylerhost.net/ofsw eb> there is a "self help" section with numerous resources:
- Live web training sessions and recorded trainings that can be viewed any time
- A Database of FAQs
- Chat, messaging and other contact options for support
- Training videos
- Downloadable user guides

- Vermont-specific guides about filing in various division and case types are on the Judiciary website's e-filing page <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>, also accessible here from the homepage:



- There is also a Judiciary e-filing helpdesk for Vermont-specific e-filing procedural questions at JUD.EFileSupport@vermont.gov. *Please use this email for e-filing questions and do not send e-filing questions to the main Judiciary Helpdesk email.*

Criminal Filing Permissions

Only authorized agency personnel (SAO, AGO, and others) have the right and ability to initiate a new criminal case in the e-filing system. Other non-agency filers will not have the option to select the criminal case category for new cases. Authorized agency personnel who need this right assigned to them should submit a request to jud.efilesupport@vermont.gov.

All OFS users have the ability to make subsequent filings into existing criminal cases. No special rights or permissions are needed.

Responsive Filings Prior to Case Filing

The Court will not accept responsive filings and motions in any format for Criminal Division matters that have not yet been initiated by the state and filed with the court. As soon as the case is submitted by the filing agency it will become available for subsequent filings in OFS.

Filing into Older (Pre-VTADS) Cases

All cases that were in the Court's legacy case management system (VTADS) were converted and are available for e-filing. Cases that predate VTADS (generally before 1990) are not available for e-filing. The courts will accept filings by alternate means for these cases.

Instructions for State's Attorney: Initial Criminal Filing

Please set this up as a template and use the template to file all Misdemeanor and Felony initial filings. When using the template you will need to fill in the charge information and Defendant information as well as attach the correct documents for each new case.

If an offense code is missing from OFS please file with the code TBD with the degree OTH. You also must notify the charge code committee to enter the new code into the Justware system

Initial Filing of Criminal Cases

1. Select your Location
2. Select the category of Criminal
3. Select Case Type (if the case has a felony charge it will qualify as a felony case)



The screenshot shows a web form titled "Case Information" with a light blue background. It contains three dropdown menus: "Location" with "Orange Unit" selected, "Category" with "Criminal" selected, and "Case Type" with "Felony" selected. A yellow question mark icon is next to the "Category" label. At the bottom right, there are two buttons: "Undo" and "Save Changes".

4. Click Save Changes
5. Enter the Date of Offense
6. Click on the Search under Offense. Find the charge and click on it.
7. Next you should select the degree associated with the charge code.
8. Fill in the Arrest Date

9. Click Save Changes.
10. Enter Parties. The Plaintiff should be the State of Vermont as a Business Entity and the Filer ID should be 1. Not pictured directly below these fields is where you can put in the prosecuting attorney and also add the victim's advocate.

11. For the defendant information you will need to fill in the name, date of birth, and address.
12. Click Save Changes.
13. Under filings you will need to select the following required filing codes as lead

documents (the security level will populate automatically):

- a. State's Attorney Information and Probable Cause Affidavit (in Red box)
Security of Public Limited
- b. Citation: If a citation is available it must be filed. Security of Public Limited
- c. Arrest Custody Report. If only the Arrest Custody Report (and not the Criminal History Report) is being filed, use the Arrest Custody Report code. Security of Confidential

14. You may also select and add the following additional lead filing codes with an initial filing:

- a. Criminal History Record. This must also include the Arrest Custody Report which should be the top document in the PDF when combined together with the Criminal History Record. Security of Secured Confidential.

Criminal History Record is only required under certain conditions, e.g., when used as a persuasive tool when asking for bail, but it is not mandatory to provide that document.

- b. Proposed Bail Conditions: Security of Public Limited

Please note: A Notice of Collateral Consequences is no longer required to be filed with an initial criminal filing.

- c. Pre-Arrest Conditions of Release Security of Public Limited

15. If you file an application for arrest warrant there is no need for the citation filing code but it should be replaced with the Motion for Arrest Warrant

16. If you are filing a diversion referral, please also use the filing code Diversion – Referral

17. You will attach each document to the filing code and select the appropriate security.

18. Click Save changes after each attachment.

19. You will then select your waiver account and the filing attorney

20. Check the submission agreements and click summary

21. Click Submit if all looks good

Initial filings for Fish and Game Ticket

One (1) ticket per case

1. Select your location

2. Select the category of Criminal
3. Select Case type: Fish and Game

4. Click Save Changes
5. Enter the Date of Offense
6. Click on the search under offenses. Find the charge and click on it.
 - a. If you do not see the charge you need pick the code TBD with the degree OTH.
 - b. If the charge is not available you need to request that it is added to the JustWare System
7. Next select the degree associated with the charge code. (Should be misdemeanor in this case type)
8. Fill in the arrest date

9. Click Save Changes.
10. Enter Parties. The plaintiff should be the State of Vermont as a Business Entity and the Filer ID should be 1.
11. For the defendant information you will need to fill in the name, date of Birth and address
12. Click Save Changes
13. Under filings you will need to select the following filing code as lead document (The security level will populate automatically):

- a. Fish and Wildlife Ticket *Security of Public Limited*
14. Attach the ticket to this filing code.
15. Click save
16. You will then select your waiver account and the filing attorney
17. Check the submission agreements and click summary
18. Click submit if all looks good

Initial filings for Investigative Requests

The docket clerk will enter the case subtype to clarify what kind of Investigative Request has been submitted to the court.

Charge Section:

1. Date of Offense will be date filed
2. Offense code will be INV
3. Degree will be Other
4. Arrest date will be date filed

Parties Section:

1. Click Party is a business check box
2. Enter the Incident Number
3. Click Save Changes
4. Law Enforcement Officer = Enter first and last name
5. Click Save Changes

Filing Section:

1. Filing Code is Investigative Request
2. Attach document
3. Add any additional attachments or other lead documents

Initial Filings for Civil Miscellaneous

The docket clerk will enter the case subtype to clarify what kind of Civil Miscellaneous case has been submitted to the court.

Charge Section:

1. Date of Offense will be date filed
2. Offense code will be CM
3. Degree will be Other

4. Arrest date will be date filed

Parties Section:

6. Same as a regular criminal case

Filing Section:

7. Filing Code is Civil Miscellaneous Case Filed
8. Attach document
9. Add any additional attachments or other lead documents

Subsequent Filings

All existing pending and closed cases that were in the old case management system (VTADS) will be searchable in OFS and available for making subsequent filings. For these cases, use the existing docket number in its full original format (including the 4 letter county initial/docket code at the end. Use dashes and no spaces in the numbers, then a space before the letters). Some case and party types are “masked” in OFS for confidentiality reasons, meaning that names and other identifying information are not displayed to filers. These types include Juvenile, Mental Health and Relief from Abuse filings. For these types, you will need to know the county/unit and the docket/case number in order to file into it.

- For very old cases (generally pre-1990) that were never in the VTADS system, they will not be searchable to file into in OFS. Any filings for such cases may/must be submitted to the court through alternative means (mail or email with clerk’s permission).
- When searching for Investigative Request cases to file into you search by business entity and enter the incident number.
- When filing a subsequent filing into a case please search the dropdown list for the appropriate filing code. The list contains all commonly used filing codes in the Criminal Division.
- Remember to select the filing type “eFile and Serve” if you plan to serve other parties/attorneys.
- Anything you type in the Filing Description comes over into the case as a comment on the case event. There is a maximum 100 characters in the filing description field.
- Cover Sheets are generally not required but if filed, they should be an attachment to the lead document.

- Certificates of Services, if required (see new V.R.E.F.) should also be attachments to the lead document.

Fees

Based on the current contract with Tyler Technologies (which hosts and manages the efilings system), filers in the criminal division are categorically exempt from paying any system use fees to file new or subsequent filings. The only fees that are charged are for post-judgment motions with a statutory filing fee, when such filings are made by a non-exempt filer (i.e. not by the state or an appointed public defender, or by a party with a valid waiver application based on financial hardship). For detailed information about system fees in Odyssey File and Serve, please see the Vermont OFS Policy and Procedure Guide available at <https://www.vermontjudiciary.org/about-vermont-judiciary/electronic-access/electronic-filing>.

Document Formatting

- Documents must be uploaded in PDF Format.
- PDF documents must be “flat”, meaning without any fillable fields, electronic stickers or other embedded data or objects. *For documents with such features, it may require printing to PDF rather than just saving before submitting. Detailed instructions are available in the Vermont OFS Policy and Procedure Guide.*
- Maximum recommended size per PDF document: 25mb

Redaction: Filer’s Responsibility

Public documents containing pieces of confidential information such as bank accounts or social security numbers must have 2 versions filed: an original unredacted version (which may be labeled “confidential”) and a redacted public version omitting or covering the non-public information, as required by V.R.P.A.C.R. 7(a)(1). Filers are instructed to note any such actions taken in the “Comments to Court” field while filing.

Emergency Filings

During Court Hours:

Although filers may select filing codes for requesting emergency relief, there is not currently an automated mechanism to bring such filings immediately to the forefront of clerks’ attention. It is recommended that when submitting

emergency filings through OFS, filers should contact the criminal division staff directly to alert them of the incoming emergency filing.

After Hours:

Filings submitted through OFS are generally only reviewed during the court's business hours. Filings received after hours will be reviewed when the Court is open.

After hours filings for Criminal and Juvenile matters and other emergencies should continue to be submitted through the current/existing procedures until further notice.

eService

The eFiling system contains a "Serve" feature that allows filers to simultaneously submit documents to the court and serve them on opposing parties/counsel who are also registered in the eFiling system.

Vermont's Rules for Electronic Filing require service of filed documents on other efilers to take place through the system unless the parties agree in writing to an alternative method. Please see the eService Guide and other related materials on the Judiciary's eFiling page for further details on using the Serve function.

When a filing is submitted through the eFiling system but is served on any parties through any alternative means (because the recipient is not an efiler or because there is an agreement between the parties), the filer must also submit a certificate of service in compliance with applicable rules.

Requesting Copies

Note: many documents in newer and active cases are available to be printed and downloaded for free from the Public Portal for users with a right of access. Most older cases that have not had recent activity continue to be held in paper files from which copies must be requested.

Regular photocopies, certified copies and exemplified copies of court documents may be requested through the eFiling system by filing a request into the case from which you are requesting document copies. Requests may be submitted on their own or in conjunction with other filings.

1. Using the filing code "Copy Request", submit a letter or document

clearly stating the request including the specific documents for which you want printed copies, and whether you need a regular, certified or exemplified copy and how you would like the document(s) sent to you (mail or email). Please note that certified copies produced and delivered electronically will have a certification stamp image and signature electronically applied. For some purposes and in some other jurisdictions a raised seal and original signature is required, so requests should state clearly which method is needed.

2. To submit payment for the copies, in addition to selecting the filing code and attaching a written request, the filer must select the appropriate copy type and fee from the “Optional Services” section. There are different fees for each type of copy so be sure to select the correct option.
 - Regular printed copies of court documents cost 25 cents/page and there is a \$1.00 minimum for any copies, so if the document is 1-4 pages long the cost will be \$1.00 (select the option for “photocopies1-4”).
 - Printed copies of documents longer than 4 pages will be [# of pages X 25 cents] (select the option for “photocopies 5+” and enter the total# of pages of the document(s)).
 - Certified copies have a fee of \$5.00 per document.
 - Exemplified copies have a fee of \$10.00 per document

Viewing Case Records

Case records (docket entries, orders, etc) cannot be viewed in the e filing system. Case records are available on the Vermont Judiciary Public Portal at:

<https://publicportal.courts.vt.gov/Portal/>.

User guides and other information about the Public Portal is located at

<https://www.vermontjudiciary.org/about-vermont-judiciary/public-portal>.