



jurisdiction over his current petition. He questions the timing of the transfer of venue back to Rutland after his trial, and also questions why it took so long to ascertain the appropriate venue.

Petitioner is correct that 13 V.S.A. § 7131 “pertains to venue and not subject matter jurisdiction.” Bruyette, No. 2012-471, at \*1 n.1 (citing In re Laws, 2007 VT 54, ¶ 7, 182 Vt. 66); see also C. Wright & A. Miller, *Fed. Practice & Procedure Jurisdiction* § 3801 (4th ed.) (explaining that “venue” “refers to locality, the place within the relevant judicial system where a lawsuit should be heard according to the applicable statutes or rules”). As we have explained, the venue requirement in § 7131 “was enacted to simplify the often cumbersome procedures associated with habeas corpus,” and it “was designed to provide a more convenient forum for obtaining relevant records and witnesses.” In re Hanson, 160 Vt. 111, 113 (1993) (citations omitted) (reiterating that § 7131 is “a venue provision,” and it “does not purport to limit subject-matter jurisdiction”). Even if the court here mistakenly referred to a lack of subject matter jurisdiction, however, we affirm its dismissal of petitioner’s PCR.

As the court found, venue for petitioner’s PCR is proper in the “superior court of the county where the sentence was imposed.” 13 V.S.A. § 7131. Even if, as petitioner argues, the trial court lacked authority in 1989 to transfer venue back to Rutland for sentencing, the fact remains that petitioner was sentenced in Rutland, and pursuant to the plain language of the statute, venue is therefore appropriate in Rutland. Petitioner has filed an identical PCR in Rutland, where it remains pending. To the extent that petitioner believes Rutland is an inconvenient forum, although he raises no such argument in this appeal, he can ask the Rutland court to transfer the PCR to Windham. See In re Laws, 2007 VT 54, ¶ 7 (recognizing that party may seek to transfer venue under the authority of 13 V.S.A. § 7131). We agree with the trial court that there are no grounds to have two courts consider the same PCR, and because venue is plainly appropriate in Rutland, the court here properly dismissed petitioner’s PCR. Given our conclusion, we do not consider any of petitioner’s arguments as to the merits of any PCR. Petitioner’s arguments in support of his PCR can be raised in Rutland.

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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Harold E. Eaton, Jr., Associate Justice