

ENTRY ORDER

SUPREME COURT DOCKET NO. 2020-001

JANUARY TERM, 2020

State of Vermont v. Christian G. Cornelius*	}	APPEALED FROM:
	}	
	}	Superior Court, Orleans Unit
	}	Criminal Division
	}	
	}	DOCKET NOS. 390-7-14 Oscr & 339-7-16 Oscr

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

Defendant filed a pro se notice of appeal, seeking to appeal the trial court’s order dated December 18, 2019, and citing the statute pertaining to appeal of a decision holding a person without bail. 13 V.S.A. § 7556(e). Defendant cited docket number 390-7-14 Oscr. The December 18, 2019 order related to docket numbers 390-7-14 Oscr and 339-7-16 Oscr and both denied defendant’s motion for permission to take an interlocutory appeal and granted defendant’s request to reconsider an order denying defendant’s request to lift a hold-without-bail order in docket no. 390-7-14 Oscr.

We dismiss the appeal. To the extent that defendant is seeking to appeal the court’s decision related to bail, the appeal is premature. The trial court granted defendant’s motion to reconsider and has indicated that it will set a hearing to review the hold-without-bail order in docket number 390-7-14 Oscr. Therefore, there is no final order from which defendant has a right to appeal.

To the extent that defendant seeks to bring an interlocutory appeal, we decline to accept the appeal. Interlocutory appeal may be granted to a defendant in a criminal matter where the issue appealed (1) is a controlling issue of law; (2) has potential to materially advance the litigation; and (3) is one where there is substantial ground for a difference of opinion. V.R.A.P. 5(b)(1), (2). “[T]he trial court has discretion in granting or denying interlocutory appeal, and this Court reviews for an abuse of that discretion.” State v. Haynes, 2019 VT 44, ¶ 33.

Here, the court denied defendant’s request for permission to appeal, concluding that the issue did not present a controlling question of law and that there was not substantial ground for difference of opinion. Defendant did not file a motion containing the elements required by the rule

to explain why the interlocutory appeal should be permitted. V.R.A.P. 5(b)(7)(A). We conclude that the court did not abuse its discretion in declining to grant an interlocutory appeal.

Dismissed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice