

ENTRY ORDER

SUPREME COURT DOCKET NO. 2020-198

JULY TERM, 2020

Patricia Kane* v. Theresa Stone	}	APPEALED FROM:
	}	
	}	Superior Court, Chittenden Unit
	}	Civil Division
	}	
	}	DOCKET NO. 265-3-20 Cncv

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

Petitioner’s appeal of the denial of her petition for a writ of habeas corpus is dismissed as untimely filed. On May 13, 2020, in response to the State’s motion and petitioner’s opposition, the civil division denied the petition as moot because petitioner was no longer incarcerated. Notice of the decision to petitioner was returned as undeliverable. After the appeal period had expired, petitioner informed the court that she would be sending a change of address. On July 7, 2020, petitioner filed a motion “not to dismiss the case,” which the court denied by checking a box on a motion-reaction form. On July 22, 2020, petitioner filed a notice of appeal indicating that she was appealing the denial of her petition, which was the decision issued by the civil division in its May 13 order. The appeal is untimely filed because it was not filed within thirty days of the judgment, see V.R.A.P. 4(a), and petitioner’s July 7 filing was not filed within twenty-eight days of the May 13 judgment and thus did not toll the appeal period. See V.R.A.P. 4(b)(5) (timely-filed motion to alter or amend judgment tolls appeal period); V.R.C.P. 59(e) (motion to alter or amend judgment must be filed within twenty-eight days of judgment sought to be appealed).

BY THE COURT:

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice