



review,” and “[t]he instances in which the writ is granted where there are remedies by appeal . . . are rare and of exceptional nature.” Patrissi, 158 Vt. at 131 (citation omitted).

The court did not err in dismissing the habeas petition. The court has authority only to decide “actual, live controversies between adverse litigants.” Sullivan v. Menard, 2019 VT 76, ¶ 5, 211 Vt. 138 (citation omitted). “Even though there was once an actual controversy, a change in the facts can render an issue or entire case moot.” In re Moriarty, 156 Vt. 160, 163 (1991). Petitioner alleged in his habeas petition that he was being unlawfully held as no timely VOP merits hearing had been held. The VOP hearing was then held, and petitioner was in custody serving a lawful sentence imposed by the criminal division based on its probation-violation finding when the petition was dismissed. There is no basis for habeas relief. See Paige v. State, 2017 VT 54, ¶ 7, 205 Vt. 287 (recognizing that a case becomes moot when court “can no longer grant effective relief”) (citation omitted)). Any challenges to the timing of the VOP merits hearing can be raised in petitioner’s appeal from the criminal division’s decision.

Affirmed.

BY THE COURT:

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Beth Robinson, Associate Justice

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Karen R. Carroll, Associate Justice

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William D. Cohen, Associate Justice