

VERMONT SUPERIOR COURT, CIVIL DIVISION, CHITTENDEN UNIT

In re: Stephen Aguiar

In re Aguiar · No. 1673-000 CnC · Decided April 16, 2026

SUMMARY

The Vermont Superior Court granted Stephen Aguiar’s motion to reconsider and reopened his voluntarily dismissed post-conviction relief action. Applying Vermont Rule of Civil Procedure 60(b) (6) and the U.S. Supreme Court’s decision in *Waetzig v. Halliburton Energy Services, Inc.*, the court concluded that extraordinary circumstances and the lack of prejudice to the State justified reopening the case. The court also permitted Aguiar to amend his petition and ordered a status conference.

CASE DETAILS

COURT	Vermont Superior Court, Civil Division, Chittenden Unit
WRITING FOR THE COURT	Megan J. Shafritz
JURISDICTION	Vermont Superior Court, Civil Division, Chittenden Unit
DECIDED	April 16, 2026
DOCKET	1673-000 CnC
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for reconsideration of the denial of his motion to reopen a post-conviction relief action that had been voluntarily dismissed without prejudice under Vermont Rule of Civil Procedure 41(a)(1). The court granted reconsideration and reopened the PCR action under Rule 60(b)(6), allowing Petitioner to amend his original petition.
STANDARD OF REVIEW	A motion for relief under Rule 60(b) is committed to the trial court's discretion and is not subject to appellate review unless the record clearly and affirmatively shows that discretion was withheld or abused. Reconsideration is subject to a strict standard and generally requires controlling decisions or data overlooked by the court that might reasonably alter the prior conclusion.
PRECEDENTIAL VALUE	trial-court decision; precedential status unknown
PARTIES	Stephen Aguiar v. State

TOPICS

motion for reconsideration

post-conviction relief

civil procedure

appellate procedure

motion to amend

PRACTICE AREAS

post-conviction relief

civil procedure

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the court should reconsider its 2024 denial of Aguiar's motion to reopen the voluntarily dismissed PCR action.
2. Whether a voluntary dismissal without prejudice under Vermont Rule of Civil Procedure 41(a)(1) may be treated as a proceeding from which relief may be granted under Rule 60(b).
3. Whether the unusual circumstances, including lack of notice and the absence of tactical delay, justified reopening the case under Rule 60(b)(6).
4. Whether Aguiar was entitled to relief under Rule 59(e) despite filing more than twenty years after the dismissal.

HOLDINGS

1. Rule 59(e) did not provide a basis for relief because the motion was filed more than twenty-eight days after the relevant dismissal.
2. A voluntary dismissal without prejudice under Rule 41(a)(1) constitutes a final proceeding for purposes of Rule 60(b), and a court may relieve a party from that dismissal and reopen the case when the requirements of Rule 60(b) are satisfied.
3. Rule 60(b)(6) relief was warranted because extraordinary circumstances made reopening necessary to prevent hardship or injustice.
4. Because the original dismissal was without prejudice and Vermont's PCR statute permits a prisoner to seek relief at any time, Aguiar remained entitled to file a new PCR action.

KEY QUOTATIONS

“When the requirements of Rule 60(b) are satisfied, a [trial] court may relieve a party from such a dismissal and reopen the case.” (at 4)

“Due to the unusual circumstances present here, including the extended delay Aguiar experienced in determining the status of his case, the Vermont Supreme Court’s limited remand to give the parties the opportunity to seek reconsideration of this Court’s 2024 decision denying the motion to reopen, the U.S. Supreme Court’s recent Waetzig decision clarifying the availability of Rule 60(b) relief in cases of Rule 41 voluntary dismissals, and the fact that Aguiar did not delay seeking relief under Rule 60(b)(6) for tactical reasons, the Court concludes that any injustice and hardship to Aguiar are best avoided by granting the motion to reconsider and reopening the PCR action to allow him to amend the initial PCR petition as he requests.” (at 5-6)

FACTUAL BACKGROUND

Aguiar filed a Vermont post-conviction relief petition in 2000 challenging convictions and sentences from 1987. His appointed attorney filed a voluntary dismissal without prejudice in 2001 before Aguiar could tell counsel that he wanted to proceed on his own. After Aguiar was transferred to a Massachusetts prison, the court mailed an order to show cause to his former Vermont address, and he did not receive it; he later sought reopening after learning that the PCR case had been dismissed. Aguiar asserted that reopening was important because the challenged state convictions had allegedly enhanced federal sentences he was still serving.

PROCEDURAL HISTORY

Aguiar filed a PCR petition in 2000 challenging 1987 convictions. His appointed attorney filed a voluntary dismissal without prejudice in 2001 before Aguiar could communicate that he wished to proceed pro se. After Aguiar's subsequent correspondence was followed by an improperly addressed order to show cause, the case remained dormant for more than twenty years. The trial court denied Aguiar's 2024 motion to reopen; after an appeal, the Vermont Supreme Court remanded for consideration of reconsideration. The trial court granted reconsideration and reopened the case.

DISPOSITION

other

REMAND INSTRUCTIONS

The PCR matter was reopened. The court directed that a status conference be scheduled within thirty days or after counsel files a notice of appearance for Petitioner, whichever occurs earlier, to address the deadline for an amended petition, dispositive motions, discovery scheduling, and other next steps. The Prisoner's Rights Office was directed to assign conflict counsel promptly if it believed it had a conflict.

CASES CITED

- State v. Sinclair, 2012 VT 47, ¶ 18, 191 Vt. 489
- Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)
- Hill v. Springfield Hosp., 2023 VT 23, ¶¶ 12-13, 20-21, 218 Vt. 64
- Fed. Nat'l Mortg. Ass'n v. Johnston, 2018 VT 51, ¶¶ 6-7, 9, 207 Vt. 473
- Am. Soccer Co., Inc. v. Score First Enters., 187 F.3d 1108, 1112 (9th Cir. 1999)
- In re J.H., 144 Vt. 1, 4-5, 470 A.2d 1182, 1184 (1983)
- Brandt v. Menard, 2020 VT 61, ¶¶ 5, 9, 212 Vt. 547
- Rule v. Tobin, 168 Vt. 166, 174, 719 A.2d 859, 874 (1998)
- Riehle v. Tudhope, 171 Vt. 626, 627, 765 A.2d 885, 887 (2000)
- Aerie Point Holdings, LLC v. Vorsteveld Farm, LLC, 2024 VT 29, ¶ 12
- Waetzig v. Halliburton Energy Servs., Inc., 604 U.S. 305, 308-19 (2025)
- State v. Amidon, 2008 VT 122, ¶ 16, 185 Vt. 1
- Penland v. Warren, 2018 VT 70, ¶ 7, 208 Vt. 15

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