

SUPREME COURT OF VERMONT

State v. M.W.

2012 VT 66 · No. 2011-229 · Decided August 3, 2012

SUMMARY

The Vermont Supreme Court dismissed the State’s interlocutory collateral final order appeal concerning whether 13 V.S.A. § 4815(g)(1) violated separation of powers by limiting a trial court’s authority to order an inpatient competency evaluation. The court held that no justiciable controversy existed because the trial court had not conclusively determined that an inpatient evaluation was warranted or that the statute was unconstitutional. The court therefore did not reach the constitutional merits.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Burgess, J.; Reiber, C.J.; Dooley, J.; Skoglund, J.; Robinson, J.
JURISDICTION	Vermont
DECIDED	August 3, 2012
DOCKET	2011-229
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State’s Attorney sought an interlocutory appeal under Vermont Rule of Appellate Procedure 5.1 from the trial court’s collateral final order concerning whether 13 V.S.A. § 4815(g)(1) unconstitutionally restricted the court’s authority to order an inpatient competency evaluation. The Vermont Supreme Court dismissed the appeal for lack of a justiciable controversy.
STANDARD OF REVIEW	The court applied the requirements for a collateral final order appeal under V.R.A.P. 5.1(a) and reviewed justiciability and ripeness as threshold questions of law.
PRECEDENTIAL VALUE	Published Vermont Supreme Court opinion; precedential subject to formal revision and publication in the Vermont Reports.
PARTIES	State of Vermont v. M.W., Vermont Attorney General

TOPICS

appellate procedure

interlocutory appeal

ripeness

separation of powers

statutory interpretation

PRACTICE AREAS

appellate procedure

constitutional law

criminal procedure

mental competency

QUESTIONS PRESENTED

1. Whether the State's appeal qualified as a collateral final order appeal under V.R.A.P. 5.1.
2. Whether the appeal presented a ripe and justiciable controversy concerning the constitutionality of 13 V.S.A. § 4815(g)(1) and its alleged violation of the Vermont Constitution's separation-of-powers provision.

HOLDINGS

1. The appeal did not satisfy the collateral final order requirements because the trial court had not conclusively determined the disputed question.
2. The appeal presented no ripe or justiciable controversy because the alleged statutory injury was hypothetical and the trial court had not ruled that an inpatient evaluation was necessary or that the statute prohibited one.

KEY QUOTATIONS

"The Vermont Constitution confers judicial authority only to determine actual controversies arising between adverse litigants, and issuing an advisory opinion . . . would exceed our constitutional mandate." (§ 12)

"Without a conclusive determination on the issue, there is no controversy to appeal." (§ 13)

FACTUAL BACKGROUND

M.W. faced criminal charges and had a history of competency concerns, including a forensic psychiatrist's report suggesting a possible psychotic disorder. A mental-health screener later diagnosed dementia but concluded that M.W. was not a person in need of treatment under the governing statute. Although the State sought an inpatient evaluation, the trial court ultimately ordered no evaluation, imposed bail and release conditions, and later found M.W. incompetent and transferred him to the state hospital after finding that he was a person in need of treatment.

PROCEDURAL HISTORY

M.W. was charged with several offenses and questions arose regarding his competency. After a mental-health screener determined that M.W. was not a person in need of treatment, the trial court did not order an inpatient evaluation and instead imposed bail and conditions of release. The State argued that the statute violated separation of powers, and the trial court granted permission for a collateral final order appeal. Before the appellate court, the Supreme Court concluded that the trial court had not conclusively decided whether an evaluation or inpatient placement was warranted, or whether the statute was unconstitutional, and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- In re D.L., 164 Vt. 223, 228-29, 669 A.2d 1172, 1176-77 (1995)
- In re F.E.F., 156 Vt. 503, 507, 594 A.2d 897, 900 (1991)
- United States v. McAllister, 225 F.3d 982, 989 (8th Cir. 2000)
- Babbitt v. United Farm Workers Nat'l Union, 442 U.S. 289, 298 (1979)
- In re S.N., 2007 VT 47, ¶¶ 7, 9, 181 Vt. 641, 928 A.2d 510 (mem.)
- In re Moriarty, 156 Vt. 160, 164, 588 A.2d 1063, 1065 (1991)

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