

**STATE OF VERMONT
VERMONT SUPREME COURT
DECEMBER TERM, 2024**

**Order Abrogating Administrative Order No. 5
PROMPT DISPOSITION OF CRIMINAL CASES**

Pursuant to the Vermont Constitution, Chapter II, § 30, it is hereby ordered:

1. That Administrative Order No. 5, promulgated January 10, 1972, and subsequently amended, be abrogated.

Reporter’s Notes—2024 Amendment

Administrative Order No. 5 is abrogated in its entirety.

This order was promulgated in 1972 to promote the prompt and efficient disposition of criminal causes. The order established priorities for scheduling of criminal cases and set time periods within which a trial should proceed depending on whether a defendant was in custody and absent exceptional circumstances. The time frames are discretionary, however, and do not bind trial courts or entitle defendants to dismissal for noncompliance. See *State v. Snide*, 144 Vt. 436, 441, 479 A.2d 139, 143 (1984) (explaining that A.O. 5 “is entirely discretionary, and it is for the trial court to determine, in each case, whether dismissal shall result”). Moreover, the time frames are not realistic, particularly for complex felony cases. *State v. Reynolds*, 2014 VT 16, ¶ 13, 196 Vt. 113, 95 A.3d 973 (explaining that A.O. 5 “proved to set impossibly short deadlines for the pretrial preparation of serious felony cases”).

In addition, the time periods are confusing in that they conflict with the disposition guidelines for criminal cases, which are separately established in Administrative Directive 24. Therefore, A.O. 5 is abrogated.

2. That this Order be effective immediately. The Reporter’s Notes are advisory.
3. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Dated in Chambers at Montpelier, Vermont, this 16th day of December, 2024.



Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice

Nancy J. Waples, Associate Justice