

VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF CRIMINAL PROCEDURE
2025 Annual Report
February 4, 2026

The Advisory Committee on the Rules of Criminal Procedure submits this report to the Vermont Supreme Court pursuant to Administrative Order No. 20, § 2. This report covers the committee's activities during the calendar year of 2025. During this period, the committee met on February, 7, 2025, May 2, 2025, August 1, 2025, and November 7, 2025 to consider amendments and other matters pertaining to the Vermont Rules of Criminal Procedure and relevant provisions of various other Vermont Rules.

During 2025, the committee had two changes in membership. After years of honorable service, the Committee's Supreme Court Liaison, Justice Karen Carroll, retired from the Supreme Court in August 2025. Therefore, she is no longer able to serve as the Supreme Court Liaison to the Committee. The Committee is grateful for Justice Carroll's service. In her place, Justice Nancy Waples joined the Committee as the Interim Supreme Court Justice Liaison. The Committee welcomes Justice Waples and already appreciates her invaluable contributions.

Committee member Mimi Brill termed out of service to the Committee on June 30, 2025. She was replaced by Chris Davis. The Committee also wishes to thank Mimi Brill for her service.

Members continuing service during this period are: Committee Chair Judge John Treadwell, Judge Mary Morrissey, Judge Heather Gray; attorneys, Jessica Burke, Rebecca Turner, Ian Sullivan, Andrew Schmidt, Frank Twarog, and Domenica Padula. The Committee's VBA representative, Jordana Levine, also continued her service. Superior Court Clerk member Mary Mossey and Victim Advocate Meghan Place remained in their terms of service as well. Committee reporter Professor Shannon Heery also remained in service.

This report summarizes the status of proposed rule amendments and the committee's activities under the following headings: I. Amendments Promulgated by the Court; II. Pending Proposed Amendments; and III. Matters Remaining on the Committee's Agenda.

I. Amendments Promulgated by the Court

There were no promulgated Criminal Rules amendments in calendar year 2025. Promulgated on May 5, 2024, amendments to V.R.Cr.P. 41.1(b) and (c) became effective on January 1, 2025.

II. Pending Proposed Amendments

There were no pending proposed Criminal Rules amendments before the Court at the conclusion of 2025.

While not a proposed amendment, in June 2025, the Committee submitted recommendations to the Court, along with a lengthy report, pursuant to the Court’s July 10th promulgation order amending A.O. 38 ¶ 3.¹

III. Matters Remaining on the Committee’s Agenda

The following matters remain on the Committee's agenda for further consideration as of February 2026:

1. **2025-08: V.R.Cr.P. 3(k); Court Adding Required Contents for Affidavits/Sworn Statements Submitted per V.R.Cr.P. 5(b) for After-Hours Bail Calls, to Determine Hold without Bail/Bail/Conditions of Release.** The Committee transmitted proposed amendments to V.R.Cr.P. 3(k) to the Court and is currently reviewing comments received following the comment period for a decision of whether to recommend promulgation at this time.
2. **2025-07: V.R.Cr.P. 32.1; Committee Review and Provision of Comments/Suggested Further Amendments to draft of V.R.Cr.P. 32.1 proposed revisions designed to update procedures and process for probation revocation and modifications.** The Committee has proposed significant amendments to V.R.Cr.P. Rule 32.1. The Committee anticipates transmitting the proposed amendments to the Court in 2026.
3. **2023-04: V.R.Cr.P. 41.1(m)&(n); Non-Testimonial Identification Orders; “Minors”; “Offense”; Application in Delinquency and YO Cases; Revision for Currency of Terms and Consistency with Current Practices and Statutory Expansion of Jurisdiction.** The Committee also anticipates transmitting proposed amendments to 41.1 (m) and (n) to the Court in 2026 after a joint effort with the Family Rules Committee.
4. **2025-11: V.R.Cr.P. 17; Committee Review of Language and Contents of V.R.Cr.P. 17, Governing the Use of Subpoenas, in Light of Proposed Amendments to Fed.R.Crim.P. 17.** The Committee has formed a subcommittee to consider any necessary changes to V.R.Cr.P. 17 in light of the proposed amendments to the corresponding Federal Rule.
5. **2026-01: V.R.Cr.P. 49; Committee Review of Suggested Amendments to the Rule for Service, Filing, and Signing of Papers.** The Committee will consider proposed amendments to Rule 49 that will update the language and filing requirements so they more closely align with Vermont Rules of Civil Procedure Rule 11.

¹ In paragraph 3 of AO 38, the Vermont Supreme Court directed this Committee to “review the operation of the provisions of this Order, in relation to V.R.C.P. 43.1, V.R.F.P. 17, and V.R.P.P. 43.1, as they exist and may be amended, to consider adoption of any provisions of the same related to remote or hybrid participation in criminal proceedings, and to advise the Court no later than June 30, 2025 whether this Order should be further amended.” A.O. 38 (¶ 3).

6. **2026-01: Miscellaneous Updates; Committee Review of Language of Various Criminal Rules.** The Committee is actively working to review and update rules by removing archaic, gendered language.

The Committee wishes to thank all the members of the Vermont bench and bar, the members of the Joint Legislative Committee on Judicial Rules, Court Administrator Therese Corsones, Deb Laferriere, Emily Wetherell, and others who have participated in the rule-making process through their thoughtful suggestions, comments, and assistance and to especially thank Justice Karen Carroll and Mimi Brill for their valued service and guidance as members. The committee wishes to thank Hon. Nancy Waples for her service as the Interim Supreme Court liaison Justice.

Respectfully submitted,

John R. Treadwell, Chair of the Committee
Hon. Heather Gray
Hon. Mary Morrissey
Christopher A. Davis
Jessica Burke
Andrew Schmidt
Ian Sullivan
Frank Twarog
Domenica Padula
Rebecca Turner
Jordana Levine, VBA Representative
Mary Mossey, Superior Court Clerk
Meghan Place, Victim Advocate
Hon. Justice Nancy Waples, Interim Supreme Court
Liaison Justice
Professor Shannon Heery, Committee Reporter