

Bond Case Briefs

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Hubacz v. Village of Waterbury

Supreme Court of Vermont - April 6, 2018 - A.3d - 2018 WL 1660050 - 2018 VT 37

Village sought interlocutory review of Superior Court decision finding village police officer was wrongfully terminated.

The Superior Court certified question as to whether State Attorney's unilateral decision to refuse to prosecute any cases investigated by a particular officer, alone, was a sufficient basis for termination.

The Supreme Court of Vermont held that an officer may be terminated for cause when the State's Attorney unilaterally decides not to prosecute the officer's cases if, as a result of that nonprosecution decision, the officer is unable to perform the duties of his employment, overruling *Gadue v. Village of Essex Junction*, 133 Vt. 282, 336 A.2d 182.