

See, e.g., *Gibbs v. Southeastern Inv. Corp.*, 705 F.Supp. 738, 743 (D.Conn.1989) (mobile home statute that limits grounds for eviction "merely regulates a landlord-tenant relationship once the landowner has voluntarily entered into such"); *Eamiello*, 546 A.2d at 818 (mobile home law that restricts grounds for eviction "merely regulates the use to which private property may be put"). For the same reasons relied on by these courts, we find no constitutional violation in applying § 6237 to renters of mobile homes.

Reversed and remanded.



In re J.G., Juvenile.

No. 93-119.

Supreme Court of Vermont.

Sept. 17, 1993.

Juvenile who was adjudicated delinquent after admitting to underlying offense of petit larceny filed motion seeking permission to appeal from decision of Family Court retransferring matter to District Court for trial as adult. The Addison Family Court denied motion, and juvenile brought direct action. The Supreme Court, Dooley, J., 627 A.2d 362, granted leave to appeal. Upon appeal, the Supreme Court held that family court was precluded on double jeopardy grounds from retransferring juvenile proceeding to district court for trial of juvenile defendant as adult as juvenile had already been adjudicated delinquent.

Reversed and remanded for further proceedings.

1. Double Jeopardy ⇐33

Infants ⇐132

Statute governing retransfer of juvenile proceeding to district court violates double jeopardy protections of Fifth Amendment in-

sofar as it permits transfer of juvenile matter from family court to district court and trial of juvenile defendant as adult, following adjudication of delinquency in family court. U.S.C.A. Const.Amend. 5; 33 V.S.A. § 5527(c).

2. Double Jeopardy ⇐33

Not every hearing in family court will preclude transfer to district court on double jeopardy grounds as transfer prior to adjudicated delinquency hearing should not raise double jeopardy questions. U.S.C.A. Const. Amend. 5; 33 V.S.A. § 5527(c).

3. Double Jeopardy ⇐33

Family court was precluded on double jeopardy grounds from retransferring juvenile proceeding to district court for trial of juvenile defendant as adult where juvenile had admitted to underlying offense of petit larceny, and where he had already been adjudicated delinquent. U.S.C.A. Const.Amend. 5; 33 V.S.A. § 5527(c).

Before ALLEN, C.J., and GIBSON,
DOOLEY, MORSE and JOHNSON, JJ.

ENTRY ORDER

[1] Defendant at the age of 16 was charged with petit larceny, and the matter was properly transferred from the Addison District Court to the Addison Family Court, where he admitted the allegations in the juvenile delinquency petition and was adjudicated delinquent. At the disposition hearing the court ordered the case retransferred for trial to district court over defendant's objections on double jeopardy grounds. This Court granted defendant permission to appeal after a denial of permission by the family court. 627 A.2d 362. We reverse and remand.

[2] As the State concedes in its brief, insofar as 33 V.S.A. § 5527(c) permits the transfer of a juvenile matter from family court to district court and trial of a juvenile defendant as an adult, following an adjudication of delinquency in the family court, that statute violates the double jeopardy protections of the Fifth Amendment of the United

States Constitution. *Breed v. Jones*, 421 U.S. 519, 541, 95 S.Ct. 1779, 1791, 44 L.Ed.2d 346 (1975).

[3] Not every hearing in family court will preclude transfer to district court. As *Jones* makes clear, transfer prior to an adjudicatory hearing should not raise double jeopardy questions. *Id.* at 536, 95 S.Ct. at 1789. Therefore our holding does not affect preadjudication transfer proceedings, so long as no

adjudication in fact results. *Id.* at 538 n. 18, 95 S.Ct. at 1790 n. 18.

Reversed and remanded for further proceedings in the Addison Family Court.

