

State v. Bottigilonge (2005-428 & 2005-429)

2007 VT 12

[Filed 29-Jan-2007]

ENTRY ORDER

2007 VT 12

SUPREME COURT DOCKET NOS. 2005-428 & 2005-429

JANUARY TERM, 2007

State of Vermont	}	APPEALED FROM:
	}	
	}	
v.	}	District Court of Vermont,
	}	Unit No. 2, Addison Circuit
Michele Bottigilonge	}	
	}	DOCKET NOS. 43-6-05 Ancs &
	}	319-6-05 Ancr

Trial Judges: Christina C. Reiss
Matthew I.

Katz

In the above-entitled cause, the Clerk will enter:

¶ 1. The issue in this case - whether a seizure occurred when the arresting officer pulled his cruiser beside defendant's vehicle and tapped on her window-is controlled by our recent decision in State v. Nault, 2006 VT 42, ¶¶ 2-3, 18, 17 Vt. L.W. 122, wherein we found no seizure based on similar facts. Accordingly, the district court's order granting defendant's motion to suppress is reversed, and the matter is remanded for further proceedings consistent with this order.

Reversed and remanded.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

(Ret.),

James L. Morse, Associate Justice

Specially Assigned