

ENTRY ORDER

SUPREME COURT DOCKET NO. 2007-114

APRIL TERM, 2007

In re Appeal of Byron Martin	}	APPEALED FROM:
	}	
	}	Orleans Probate Court
	}	
	}	DOCKET NO. P116-2005 OsM

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

Appellant has a filed a direct appeal from an order of the probate court. In direct appeals from the probate court, the Supreme Court will consider only those cases that present pure questions of law. See 12 V.S.A. § 2551 (Supreme Court has “jurisdiction of questions of law arising in the course of proceedings of the superior and probate courts in probate matters, as in other causes”) (emphasis added); In re Estate of Johnson, 158 Vt. 557, 559 (1992) (Supreme Court review of direct appeals from final probate decrees is limited to “‘pure’ questions of law, the resolution of which do not depend upon factual distinctions and do not require review of the record”). The appeal does not involve a pure question of law, and it is therefore dismissed.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice