

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2018-354

DECEMBER TERM, 2018

State of Vermont v. Eric G. Nagel*	}	APPEALED FROM:
	}	
	}	Superior Court, Grand Isle Unit,
	}	Criminal Division
	}	
	}	DOCKET NO. 92-11-17 Gicr

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

On November 6, 2018, this Court received the superior court file in this case. The trial court docket entries indicated that the criminal division had orally granted permission for defendant to file an interlocutory appeal from the court’s order denying his motion to suppress and dismiss. On November 9, 2018, this Court issued an entry order requiring the criminal division to enter a written order indicating the bases for granting permission to appeal, as required by rule. See V.R.A.P. 5(b)(5)(B), (6)(B). In a December 6, 2018 written order, the criminal division vacated its oral decision to grant interlocutory appeal, stating that the parties had agreed to the appeal but had failed to indicate in writing why interlocutory appeal was appropriate, as requested.

The interlocutory appeal is not accepted. “Generally, this Court does not accept interlocutory appeals of decisions denying motions to suppress in criminal cases unless a conditional plea is not available or practicable under the circumstances and the criteria of Rule 5(b) have been met.” State v. Lyford, 2016 VT 118, ¶ 2, 203 Vt. 648, 160 A.3d 317. Nothing in the record shows that the criteria of either V.R.A.P. 5(a) or 5(b) have been met or that a conditional plea is impracticable or unavailable.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Marilyn S. Skoglund, Associate Justice

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Beth Robinson, Associate Justice

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Harold E. Eaton, Jr., Associate Justice