

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

**ENTRY ORDER**

**VERMONT SUPREME COURT  
FILED IN CLERK'S OFFICE**

SUPREME COURT DOCKET NO. 2009-154

DEC 15 2009

JANUARY TERM, 2010

Crystal Bessette

}  
}  
}  
}  
}  
}

APPEALED FROM:

v.

Chittenden Family Court

Freeman Patten

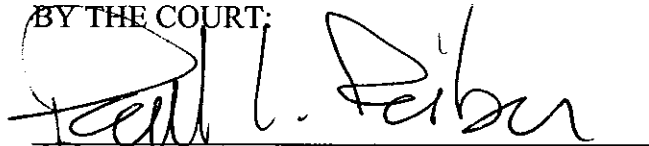
DOCKET NO. F807-10-05 Cndm

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

Defendant father filed a timely notice of appeal of a magistrate's April 20, 2009 child support order; however, he erroneously indicated in his notice of appeal that he was appealing the decision to the Vermont Supreme Court. Unfortunately, the file was sent to this Court, and the jurisdictional error was not noticed until this Court began reviewing the matter for the upcoming scheduled oral argument before a three-justice panel. Appeals from magistrate decisions "shall be on the record to the family court." 4 V.S.A. § 465; see V.R.F.P. 8(g) (setting forth procedure for family court appellate jurisdiction of magistrate orders); Williams v. Williams, 158 Vt. 574, 577 (1992) (stating that magistrate orders are appealable to the family court only, and not the Supreme Court). Accordingly, the matter is referred to the family court for the court to review the magistrate's April 20, 2009 decision. See V.R.A.P. 4 (providing that if notice of appeal is mistakenly filed in the Supreme Court, the matter shall be transmitted to the trial court for review).

Supreme Court appeal dismissed; appeal transferred to the Chittenden Family Court.

BY THE COURT:



Paul L. Reiber, Chief Justice



John A. Dooley, Associate Justice



Marilyn S. Skoglund, Associate Justice