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ADVANCE SHEET HEADNOTE
February 21, 2006

No. 05SA290, People v. Micciulli.

By operation of law, the decision of the trial court granting the defendant's motion to suppress is affirmed by an equally divided court. See C.A.R. 35(e).

<p>SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, Colorado 80203</p> <p>Interlocutory Appeal from the District Court Adams County District Court Case No. 05CR196 Honorable Harlan R. Bockman, Judge</p>	<p>Case No. 05SA290</p>
<p>Plaintiff-Appellant:</p> <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>Defendant-Appellee:</p> <p>AARON VINCENT MICCIULLI.</p>	
<p>TRIAL COURT RULING AFFIRMED BY OPERATION OF LAW EN BANC February 21, 2006</p>	

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PER CURIAM.

In this Interlocutory Appeal, Justice Hobbs, Justice Martinez, and Justice Bender are of the opinion that the trial court ruling granting the defendant's motion to suppress should be affirmed; whereas Chief Justice Mullarkey, Justice Rice, and Justice Coats are of the opinion that it should be reversed.

Since the court is equally divided, the trial court ruling granting the defendant's motion to suppress is affirmed by operation of law. See C.A.R. 35(e).