

In the Indiana Supreme Court

Brione Donta Jackson,
Appellant,

v.

State of Indiana,
Appellee.

Court of Appeals Case No.
22A-CR-2524

Trial Court Case No.
29D03-2203-F4-1271



Published Order

This matter comes before the Court on a petition to transfer jurisdiction under Indiana Appellate Rule 57 after the Court of Appeals issued its memorandum decision in *Jackson v. State*, No. 22A-CR-2524 (Ind. Ct. App. March 17, 2023), *reh'g denied*. In its decision, the Court of Appeals declined to address Jackson's interlocutory challenge to the constitutionality of the vehicle search in his case, instead finding *sua sponte* that Jackson had consented to the search.

The Court has reviewed the petition to transfer and accompanying materials and discussed the petition in conference. Being duly advised, a majority of the Court votes to GRANT transfer, VACATE the Court of Appeals decision, and REMAND the case to the Court of Appeals to address the merits of Jackson's constitutional challenge to the denial of his motion to suppress, and for such further proceedings as that Court deems appropriate. This Court expresses no opinion on the merits.

Done at Indianapolis, Indiana, on 8/24/2023.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana