

COURT OF APPEALS OF THE STATE OF GEORGIA

McDuffie v. The State

A18A1908 · No. A18A1908 · Decided July 19, 2018

SUMMARY

The Georgia Court of Appeals dismissed Robert McDuffie's appeal because he failed to file a brief and enumeration of errors within the time required by Court of Appeals Rule 23(a). The order explains that, because McDuffie was represented by counsel, he may seek leave from the trial court to pursue an out-of-time appeal.

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA, _____ June 29, 2018 The Court of Appeals hereby passes the following order: A18A1908. MCDUFFIE v. THE STATE. Appellant has failed to file a brief and enumeration of errors within 20 days after the appeal was docketed as required by Court of Appeals Rule 23 (a) and as notified in the Notice of Docketing.

As Appellant has abandoned the appeal, the appeal is hereby DISMISSED. Because Appellant is represented by counsel, Appellant may be entitled to pursue an out-of-time appeal. He is therefore informed of the following pursuant to Rowland v. State, 264 Ga. 872, 875-76 (2) (452 SE2d 756) (1995): This appeal has been dismissed because you have failed to timely pursue your appeal.

If you still wish to appeal, you may petition the trial court for leave to file an out-of-time appeal. If the trial court grants your request, you will have 30 days from entry of that order to file a notice of appeal referencing your conviction. If the trial court denies your request, you will have 30 days from entry of that order to file a notice of appeal referencing the denial of your request for an out-of-time appeal.

The Clerk of Court is DIRECTED to send a copy of this order to Appellant and Appellant's attorney, and the latter is also DIRECTED to send a copy to Appellant. Court of Appeals of the State of Georgia Clerk's Office, Atlanta, _____ 06/29/2018 I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia. Witness my signature and the seal of said court hereto affixed the day and year last above written., Clerk.