

Court of Appeals
of the State of Georgia

ATLANTA, January 12, 2009

The Court of Appeals hereby passes the following order:

A09A0646. JOHN STIKES V. THE STATE.

The appeal in this case was docketed on November 21, 2008. Appellants' brief and enumeration of errors were due on December 11, 2008. As of the date of this Order, appellant's brief and enumeration of errors have not been filed. Accordingly, this appeal is hereby dismissed as abandoned. See Court of Appeals Rule 23 (a); *Reese v. State*, 216 Ga. App. 773 (456 SE2d 271) (1995).

To John Stikes: Your appeal has been DISMISSED because your brief and enumeration of errors were not filed when due. If you have decided you do not want to appeal, you need not do anything more. However, if you do still want to appeal, you may have the right to an OUT-OF-TIME APPEAL – but you MUST TAKE ACTION to exercise that right by moving for an out-of-time appeal in the trial court. If your motion for an out-of-time appeal is granted, the trial court should appoint another attorney for you if you want one and cannot pay for one. If your motion for an out-of-time appeal is denied, you may appeal that denial to this court within thirty (30) days of the trial court's decision. See: *Rowland v. State*, 264 Ga. 872 (452 SE2d 756) (1995).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 12 2009

*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.

Willi Z. Mart ; 