

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

A03A1467. MARTA AWOLUSI v. THE STATE

Marta Awolusi was convicted of felony theft by taking in the Superior Court of DeKalb County. From this conviction, appellant, through her counsel, filed a Notice of Appeal with the trial court, which appeal was docketed in this Court on March 24, 2003. On April 4, 2003, this Court received a request for an extension of time to file Appellant's Brief filed by appellant's counsel citing OCGA §9-10-150, a 2002 amendment to the General Law which provides that legislators, and certain others, shall be granted a stay up until 21 days after the adjournment of the Georgia General Assembly, *sine die*, in which to file Appellant's Brief.

However, the Court notes that this Code Section is found in the Civil Practice Act, which controls the conduct of proceedings in civil cases. The Court notes that the current matter is a criminal case.

While appellant's counsel has not pled for such automatic stay under OCGA §17-8-26, which provides similar relief in criminal matters as OCGA §9-10-150 provides in civil matters, this Court shall grant such extension as is provided in OCGA §17-8-26.

Appellant Awolusi, through her counsel, shall have 21 days following adjournment of the Georgia General Assembly, *sine die*, to file her Brief, Part II of which shall be an Enumeration of Errors, unless, to preserve its jurisdiction under the Constitution of the State of Georgia, this Court should order appellant to file prior to that time.

Appellee shall have 20 days after the date appellant actually files Appellant's Brief to file a Responsive Brief.

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Clerk's Office, Atlanta

*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.