

Court of Appeals of the State of Georgia

ATLANTA, February 2, 2011

The Court of Appeals hereby passes the following order:

A11A0219. BIBB v. THE STATE

This appeal was docketed on September 22, 2010. In accordance with the docketing notice and Court of Appeals Rules 22 (a) and 23 (a), appellant's enumeration of errors and brief were required to be filed in this court on or before October 12, 2010. Appellant was granted an extension of time until November 1, 2010 to file his enumeration of errors and brief. As of the date of this order, no enumeration of errors and brief have been filed in this court.

Therefore, this appeal is DISMISSED. *Rowland v. State*, 264 Ga. 872, 875 (452 SE2d 756) (1995) *Reese v. State*, 216 Ga. App. 773, 774 (456 SE2d 271) (1995); Court of Appeals Rules 7, 13, 23 (a). The Clerk of this Court is directed to send a copy of this order directly to Mr. Bibb. Mr. Bibb's counsel, Ms. Elizabeth Lane, shall also receive a copy of this order to forward to Mr. Bibb.

Ms. Lane shall bear the primary responsibility of informing Mr. Bibb of the disposition of this appeal and his options as a result. But in light of Ms. Lane's failure to adequately prosecute Mr. Bibb's appeal, in accordance with *Reese v. State*, supra, 216 Ga. App. at 775, the following is included for Mr. Bibb's information:

Mr. Bibb, your appeal was DISMISSED because your attorney failed to file a brief and enumeration of errors. If you have decided you do not want to appeal, nothing more need be done. If you still want to appeal, however, 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 be granted, the trial court may 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, that denial may be appealed to this court within thirty (30) days of the trial court's decision.



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Clerk's Office, Atlanta, FEB 2 2011

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.

Hally H. O. Spencer Clerk.