Court of Appeals
of the State of Georgia

ATLANTA,   OCT 31 1995

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A96A0207. ONI v. NGUYEN.

It appearing that appellant has filed a notice of appeal in the above-captioned case, but seeks an emergency order directing preparation of the trial transcript and an enlargement of time in which to file an appellate brief;

It further appearing that questions of fact may exist regarding the circumstances surrounding the parties' trial tactics and conduct at trial regarding the reporting and transcription of the trial transcript, and it also appearing that appellant has failed to provide this Court with any information regarding whether the transcript currently has been ordered from the court reporter's office and the date that such transcript, whether or not ordered, might be completed;

Therefore we find that this case is not ripe for appellate consideration. Appellant's motions are hereby denied; and, this appeal is hereby dismissed without prejudice and said case remanded to the trial court for a hearing regarding appellant's emergency motion directing preparation of the trial transcript. The clerk of this court will forthwith cause said appeal to be removed from the

appellate docket of this court and remand said case to the trial court pursuant to the above direction. Appellant may, within 30 days after filing of the trial transcript with the Clerk of the State Court of DeKalb County or within 30 days of entry of the trial court's order denying appellant's motion for transcript preparation, whichever occurs first, refile his notice of appeal and any necessary amendment thereto. Ga. Const. of 1983, Art. VI, Sec. I, Par. IV.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta   OCT 31 1995

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.