

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order:

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| PROPOSED ORDER (A09A1080.4.99) May 20, 2009 | |
| AGREE | DISAGREE |
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A09A1080. EDLENDSCO GREEN v. THE STATE.

The appeal in this case was docketed on February 5, 2009. After the state moved to dismiss the appeal because appellant failed to file a timely brief and enumeration of errors, it was discovered that the original notice of docketing had been sent to an incorrect address and had not been received by appellant. This Court entered an order dated April 17, 2009 which directed the Clerk to send the notice of docketing to appellant's correct address. The order also gave appellant 20 days from the date of the order in which to file a brief and enumeration of errors. The extended period of time for filing has expired, and appellant has not filed a brief or enumeration of errors. Accordingly, the appeal is DISMISSED. Court of Appeals Rule 7, 23 (a).

Because appellant is represented by counsel, he is hereby informed of the following in accordance with *Rowland v. State*, 264 Ga. 872 (452 SE2d 756) (1995): This appeal has been dismissed because of your counsel's failure to file a timely appellate brief. 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 enters an order granting your request, you will have 30 days from the filing date of that order to file a notice of appeal referencing your conviction. If the trial court enters an order denying your request, you will have 30 days from the filing date 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 as well as to appellant's attorney, and the latter is also directed to send a copy to appellant.