

Court of Appeals of the State of Georgia

ATLANTA,

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A95A0048. PRO SE REMAND MOTION WHERE DEFENDANT HAS COUNSEL.

Appellant having made a special motion to disqualify appellate counsel to appoint substitute counsel and for remand of the case to the trial court, and it appearing that certain matters raised therein, if true as alleged by appellant, will constitute manifest unfairness and render moot any appellate consideration of the case in its present posture as presented by present appellate counsel, it is hereby ordered pursuant to Court of Appeals Rule 50 (c) that the case be remanded to the trial court for expedited hearing on appellant's motion to disqualify appellate counsel and appoint new counsel and such other motion as may properly be heard including the claim of ineffective assistance of counsel which appellant has raised. See Smith v. State, 263 Ga. 224 (3) (430 SE2d 579); Holt v. State, 205 Ga. 40, 41-43 (421 SE2d 131).

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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.