

Court of Appeals of the State of Georgia

ATLANTA,

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A95A0038. REMAND TO COMPLETE RECORD UNDER 5-6-41.

It appearing that appellant has filed a motion to supplement the record in the above-captioned appeal;

It further appearing that supplementing the record as requested presents issues regarding which documents, in fact, are missing, whether any or all of such documents were filed and considered in the court below, and whether there exists original, duplicate originals, or true and accurate copies thereof;

It also appearing that appellant's motion reveals that the court reporter may have lost certain documents, including written questions by the jury presented to the trial court and the trial court's written responses thereto;

Therefore, this appeal is deemed premature, as there exists substantial question as to the accuracy of the appellate record; accordingly, said appeal is withdrawn and remanded to the trial court with direction to examine and supplement the record in accordance with the provisions of OCGA § 5-6-41. The Clerk of this Court shall forthwith remove this appeal from the appellate docket, without prejudice to the appellant, and return it to the Clerk of

the (NAME OF LOWER COURT) Court of (NAME OF COUNTY) County. Upon resolution of the matters herein raised, and as a matter in aid of our jurisdiction, appellant may reinitiate his appeal of this case by the timely refiling of his original notice of appeal within thirty (30) days of the trial court's order of disposition. Ga. Const. of 1983, Art. VI, Sec. I, Par. IV; OCGA § 5-6-48 (d).

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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.