Court of Appeals
of the State of Georgia

ATLANTA, October 26, 2012

The Court of Appeals hereby passes the following order:

A13A0202. KEMP v. THE STATE.

This appeal was docketed on September 18, 2012. As set forth in Court of Appeals Rules 22 (a) and 23 (a), an appellant must file enumerations of error and briefs within 20 days of the date of docketing of the appeal. Therefore, appellant's brief and enumerations of error were due no later than October 9, 2012. Appellant has neither filed a brief and enumerations of error, nor has he requested an extension of time in which to do so.

Accordingly, this appeal is DISMISSED because appellant's attorney failed to file a brief and enumeration of errors. If appellant has decided not to appeal, no further action is required. However, if appellant wishes to proceed with the appeal, he may have the right to an OUT-OF-TIME APPEAL provided he exercises that right by moving for an out-of-time appeal in the trial court. If the motion for an out-of-time appeal is granted and appellant requests another attorney but cannot pay, the trial court is to appoint another attorney to proceed with the appeal. If the trial court denies the motion for an out-of-time appeal, appellant may appeal that denial to this Court within 30 days of the trial court's decision. *Reese v. State*, 216 Ga. App. 773 (456 SE2d 271) (1995).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/26/2012
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.

Kelly K. O. Lamar, *Clerk.*