# Court of Appeals
# of the State of Georgia

ATLANTA, December 21, 2012

*The Court of Appeals hereby passes the following order:*

**A13D0157. RODERICK MCKISSICK v. THE STATE.**

Roderick McKissick was convicted of murder and other crimes. Following the denial of his extraordinary motion for new trial, McKissick filed in this Court an "Application for a Certificate of Probable Cause," which was docketed as an application for discretionary appeal.

Under our Constitution, the Supreme Court has appellate jurisdiction over "[a]ll cases in which a sentence of death was imposed or could be imposed." See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (8). Because a penalty of death can be imposed for the crime of murder, jurisdiction is proper in the Supreme Court. See OCGA § 17-10-30 (b); *Neal v. State*, 290 Ga. 563, 572 (722 SE2d 765) (2012) (Hunstein, C. J., concurring); see also *State v. Thornton*, 253 Ga. 524 (1) (322 SE2d 711) (1984) (directing this Court to transfer "all cases in which either a sentence of death or of life imprisonment has been imposed upon conviction of murder"). Accordingly, McKissick's application is hereby TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*
*Clerk's Office, Atlanta,* 12/21/2012
*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.*