Court of Appeals
of the State of Georgia

ATLANTA, November 07, 2016

The Court of Appeals hereby passes the following order:

A17A0463. PHILLIP NATHAN KERCH v. THE STATE.

Phillip Nathan Kerch pled guilty to multiple offenses, including malice murder and felony murder, and was sentenced to life imprisonment. Subsequently, Kerch filed a motion to withdraw guilty plea. The trial court denied the motion, and Kerch filed this direct appeal. We lack jurisdiction.

In *State v. Murray*, 286 Ga. 258 (687 SE2d 790) (2009), the Supreme Court held that "[i]f the underlying action is a murder case, this Court has jurisdiction of the appeal, regardless of whether the order being appealed is based on facts having some bearing on the underlying criminal trial." Id. at 259 (1); see also *Neal v. State*, 290 Ga. 563, 572 (722 SE2d 765) (2012) (Hunstein, J., concurring). Accordingly, this appeal is hereby TRANSFERRED to the Supreme Court for disposition.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 11/07/2016
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.

Stephen E. Castlen, *Clerk.*