Court of Appeals
of the State of Georgia

ATLANTA, August 01, 2019

The Court of Appeals hereby passes the following order:

A19A2247. CHARLES SLAUGHTER v. THE STATE.

On March 28, 2018, Charles Slaughter entered a negotiated plea of guilty to DUI and public drunkenness. Thereafter, on April 30, 2018, Slaughter filed a pro se notice of appeal. We lack jurisdiction.

"A criminal defendant in Georgia does not have the right to represent himself and also be represented by an attorney, and pro se filings by represented parties are therefore unauthorized and without effect." *Tolbert v. Toole*, 296 Ga. 357, 363 (3) (767 SE2d 24) (2014) (punctuation omitted). Here, Slaughter was represented by counsel at his guilty plea hearing. There is nothing in the record indicating that the attorney either withdrew or was relieved from representation. See *White v. State*, 302 Ga. 315, 318 (2) (806 SE2d 489) (2017) ("defense counsel's duties toward their clients extend for at least the 30 days after the entry of judgment when a notice of appeal may be filed"). Under these circumstances, Slaughter's pro se notice of appeal is a nullity. See *Soberanis v. State*, 345 Ga. App. 403, 405 (812 SE2d 800) (2018). For this reason, the appeal is DISMISSED. See id.

To the extent that Slaughter's right to appeal was frustrated by his counsel's failure to file a timely notice of appeal, he may be entitled to an out-of-time appeal. See *Rowland v. State*, 264 Ga. 872, 875-876 (2) (452 SE2d 756) (1995). He therefore is informed of the following in accordance with *Rowland*:

> This appeal has been dismissed because you failed to file a timely notice of appeal. If you still wish to appeal, you may petition the trial court for leave to file an out-of- time appeal. If the trial court grants your request,

you will have 30 days from the entry of that order to file a notice of appeal referencing your conviction. If the trial court denies your request, you will have 30 days from the entry of that order to file a notice of appeal referencing the denial of your request for an out-of-time appeal.

The clerk of court is DIRECTED to send a copy of this order to Slaughter as well as to Slaughter's attorney, who is also DIRECTED to send a copy to Slaughter.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/01/2019
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.*