

FINAL COPY

283 Ga. 583

S08A0897. PERERA v. MILLER.

Sears, Chief Justice.

The appellant, Emily Perera, is the defendant in a pending murder case in Douglas County. She filed this pre-trial habeas action, contending that she was receiving ineffective assistance of trial counsel and that her constitutional right to a speedy trial had been violated. However, because Perera may raise these issues in the pending criminal action, she may not raise them pursuant to a petition for writ of habeas corpus.¹ For this reason, the habeas court did not err in dismissing Perera's petition without an evidentiary hearing.²

Judgment affirmed. All the Justices concur.

¹ Mungin v. St. Lawrence, 281 Ga. 671 (641 SE2d 541) (2007); Kearse v. Paulk, 264 Ga. 509, 509-510 (448 SE2d 369) (1994).

² See Mungin, 281 Ga. 671 (where habeas court is able to determine from face of the petition that it is without merit, it may dismiss without a hearing).

Decided June 2, 2008.

Habeas corpus. Douglas Superior Court. Before Judge Howe.

Emily Perera, pro se.

David McDade, District Attorney, James A. Dooley, Assistant District Attorney, Thurbert E. Baker, Attorney General, for appellee.