

**THIRD DIVISION
DILLARD, C. J.,
McFADDEN, P. J., and RICKMAN, J.**

**NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
days of the date of decision to be deemed timely filed.
<http://www.gaappeals.us/rules>**

November 21, 2017

In the Court of Appeals of Georgia

A15A1738. KIMBROUGH et al. v. THE STATE.

McFADDEN, Presiding Judge.

In *Kimbrough v. State*, 300 Ga. 878 (799 SE2d 229) (2017), the Supreme Court of Georgia reversed Division (2) (b) (i) of our decision in *Kimbrough v. State*, 336 Ga. App. 381 (785 SE2d 54) (2016), affirming the trial court's denial of the defendants' special demurrer. Accordingly, we vacate Division (2) (b) (i) of our opinion and adopt the opinion of the Supreme Court as our own.

Judgment affirmed in part and reversed in part. Dillard, C.J., and Rickman, J., concur.