

**FIFTH DIVISION
DILLARD, C. J.,
REESE, J., and BETHEL, 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>**

July 25, 2018

In the Court of Appeals of Georgia

A16A1650. DAVIS v. THE STATE.

DILLARD, Chief Judge.

In *State v. Davis*,¹ the Supreme Court of Georgia concluded that we lacked jurisdiction to consider this case because it addresses a constitutional question of first impression, and, therefore, our decision in *Davis v. State*² is a nullity. Accordingly, the Supreme Court vacated that decision; decided the merits of the appeal as if the case had been properly transferred; and remanded the case to this Court with direction that the judgment of the trial court be reversed and the remittitur be transmitted with the Supreme Court's opinion.

Judgment reversed. Reese and Bethel, JJ., concur.

¹ ___ Ga. ___, Slip. Op. at 8 (1) (Case No. S17G1333; decided May 21, 2018).

² 340 Ga. App. 652 (798 SE2d 474) (2017).