

**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*,<sup>1</sup> 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*<sup>2</sup> 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.*

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<sup>1</sup> \_\_\_\_ Ga. \_\_\_, Slip. Op. at 8 (1) (Case No. S17G1333; decided May 21, 2018).

<sup>2</sup> 340 Ga. App. 652 (798 SE2d 474) (2017).