



SUPREME COURT OF GEORGIA
CLERK'S OFFICE
244 Washington Street, SW, Room 572
Atlanta, Georgia 30334

Therese S. Barnes, Clerk

(404) 656-3470

December 15, 2015

TO ALL COUNSEL:

RE: S16I0310. QUINTON MITCHELL v. THE STATE.

The Supreme Court today granted the above referenced application for Interlocutory Appeal. All the Justices concur.

The appellant's notice of appeal must be filed in the trial court within ten days of the date shown above. Once the record is received from the trial court and docketed in this Court, notices will be mailed to all counsel showing the date of docketing and the case number assigned. The appellant's enumeration of errors and briefs will be due in this Court within 20 days of docketing; the appellee's briefs will be due within 40 days of docketing, or within 20 days of the filing of appellant's briefs, whichever is later. See Rule 12.

This Court is particularly concerned with, and requests that you address in your brief, the following:

(1) Did the trial court err in determining that Applicant Mitchell was not in custody for Miranda purposes at the time he agreed to submit to field sobriety tests? See Price v. State, 269 Ga. 222 (3) (498 SE2d 262) (1998); Aldrich v. State, 220 Ga. 132 (137 SE2d 463) (1964); State v. Mosley, 321 Ga. App. 236 (739 SE2d 106) (2013); Rowell v. State, 312 Ga. App. 559 (718 SE2d 890) (2011).

(2) Did the trial court err in concluding that the Romburg field sobriety test is not subject to the requirements of Harper v. State, 249 Ga. 519 (292 SE2d 389) (1982)?

(3) Did the trial court err in declining to exclude evidence of Applicant Mitchell's initial refusal to submit to field sobriety tests? See Long v. State, 271 Ga. App. 565 (2) (610 SE2d 74) (2004).

(4) Did the trial court err in rejecting Applicant Harper's equal protection challenge to OCGA § 24-7-707? See Mason v. Home Depot USA, Inc., 283 Ga. 271 (1) (658 SE2d 603) (2008).

Theresa A. Barnes, Clerk