



SUPREME COURT OF GEORGIA
Case No. S17C0107

Atlanta, March 20, 2017

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

DESMOND NAPOLEON DANIEL v. THE STATE

Court of Appeals Case No. A16A0587

The Supreme Court today granted the writ of certiorari in this case. All the Justices concur, except Hines, C. J., Melton, P. J., Peterson and Grant, JJ., who dissent.

This case will be assigned to the June 2017 oral argument calendar automatically under Supreme Court Rule 50 (2), as amended September 13, 1996. Oral argument is mandatory in granted certiorari cases.

This Court is particularly concerned with the following issue or issues:

Did the Court of Appeals err in holding that in a prosecution for burglary, a defendant must present affirmative evidence to counter a permissible inference of specific intent in order to receive a jury instruction on a lesser-included offense of criminal trespass?

Briefs should be submitted only on these points. See Supreme Court Rule 45.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

A handwritten signature in black ink that reads "Thiruse S Barnes". The signature is written in a cursive style.

, Clerk