



SUPREME COURT OF GEORGIA
Case No. S17C1343

Atlanta, August 14, 2017

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

KEVIN S. GIBBS v. THE STATE

Court of Appeals Case No. A16A2229

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

This case will be assigned to the December 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:

- (1) Did the Court of Appeals err in its determination that testimony from a nurse regarding Gibbs's use of marijuana on the day of the crime was admissible as intrinsic evidence?; and
- (2) Did the Court of Appeals err in its determination that Gibbs waived his right to argue that trial counsel was ineffective for failing to object to the testimony regarding his marijuana use because he failed to question trial counsel about that issue at the motion for new trial hearing?

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.

, Clerk