



SUPREME COURT OF GEORGIA

Case No. S17C0716

Atlanta, December 11, 2017

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ANDREA ELLIOTT v. THE STATE

Court of Appeals Case No. A17I0064

The Supreme Court today granted the writ of certiorari in this case. All the Justices concur.

This case will be assigned to the April 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:

Given that Article I, Section I, Paragraph XVI of the Georgia Constitution preserves the right to refuse to submit to chemical breath tests, see Olevik v. State, Ga.(S17A0738, decided Oct. 16, 2017), may the State nevertheless introduce into evidence the fact that a defendant declined to submit to a chemical breath test? See Simpson v. Simpson, 233 Ga. 17 (1974); Loewenherz v. Merchants and Mechanics Bank of Columbus, 144 Ga. 556 (1916); Harrison v. Powers, 76 Ga. 218 (1886).

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.

Suzanne C. Fulton , Chief Deputy Clerk