



SUPREME COURT OF GEORGIA

Case No. S18C0563

Atlanta, June 4, 2018

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed.

MICHAEL RICHARD LICATA v. THE STATE

Court of Appeals Case No. A17A1200

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

This case will be assigned to the September 2018 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. Are Miranda-type warnings required before a suspect in police custody is asked to perform acts protected by the state constitutional rights against compelled self-incrimination? See Ga. Const. of 1983, Art. I, Sec. I, Par. XVI; Olevik v. State, 302 Ga. 228 (806 SE2d 505) (2017); Price v. State, 269 Ga. 222 (498 SE2d 262) (1998).
2. If so, is the standard Miranda warning sufficient to advise a suspect of his right not to be compelled to act in a way that incriminates himself?
3. After Olevik, is an individual entitled to the advice of counsel when he is asked to submit to a breath test? See Rackoff v. State, 281 Ga. 306, 308-309 (637 SE2d 706) (2006).

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
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.

Lea C. Hulston, Chief Deputy Clerk