



SUPREME COURT OF GEORGIA

Case No. S18I1432

Atlanta, August 2, 2018

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

KONRAD NATHANIEL BUNDE v. THE STATE

The application for interlocutory appeal in this case is granted. All the Justices concur. The Court is particularly concerned with the following:

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?
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 v. State, 302 Ga. 228 (806 SE2d 505) (2017), is an individual entitled to the advice of counsel when he is asked to submit to a breath test?
4. 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, may the State nevertheless introduce into evidence the fact that a defendant declined to submit to a chemical breath test as provided by OCGA § 40-6-392 (d)?
5. If not, does the contrary language contained in Georgia's implied consent notice, see OCGA § 40-5-67.1, violate the due process guarantees of the United States and Georgia Constitutions?

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. This case involves issues that are the same as or similar to those raised in other pending appeals. See, e.g., Elliott v. State (Case No. S17G0716); Garvin v. State (Case No. S18A1112); Licata v. State (Case No. S18G0563). As a result, once the case is docketed, the Court would entertain a motion to stay the briefing schedule. Otherwise, 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 10.

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.

 , Chief Deputy Clerk