

Court of Appeals of the State of Georgia

ATLANTA, August 27, 2026

The Court of Appeals hereby passes the following order:

A26A1252. CHARLES SHIRLEY v. THE STATE.

Following his 2022 conviction for family violence aggravated assault, Charles Shirley filed a timely motion for new trial, which the trial court denied. Shirley thereafter filed a timely notice of appeal, which has been docketed with this Court. Shirley's appellate counsel, Marilyn Tyler, then filed a brief on his behalf on February 3, 2026.

On August 17, 2026, Cynthia Wright Harrison, the managing appellate attorney for the Georgia Public Defender Council, filed a motion asking this Court to remand this case to ensure that Shirley has received effective appellate representation. Harrison represents in her motion that the Georgia Supreme Court has determined that all the briefs submitted by Ms. Tyler to that court were "substantially deficient" and, as a result of the deficiencies, the Supreme Court has "remanded each of her cases to the appropriate superior court" so that it could be determined whether new appellate counsel should be appointed. We have reviewed the brief submitted by Ms. Tyler in this case and it also appears to be substantially deficient and well below the expectations this Court has for the attorneys practicing before it. See Court of Appeals Rule 25.

Because this is Shirley's first appeal of right, he is constitutionally entitled to the effective representation of counsel. See *Hall v. Jackson*, 310 Ga. 714, 720(2)(a) (854 SE2d 539) (2021). Separately, this Court must decide this case within the constraints of our State Constitution's two-term rule. See Ga. Const. of 1983, Art. VI, Sec. IX, Par. II. Given Shirley's right to counsel and this Court's obligations under

our two-term rule, we hereby REMAND the case to the trial court for that court to expeditiously determine whether Shirley wants to retain new counsel for the purposes of appeal, to be appointed new counsel if he is indigent, or to proceed pro se (after a proper waiver of counsel). After the trial court has made this determination, the trial court clerk is hereby DIRECTED to transmit this order along with any related additional record to this Court, which will then re-docket Shirley's appeal with a new case number. The trial court clerk is also hereby DIRECTED to send a copy of this order to Shirley.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/27/2026

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

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

Christina Bailey Smith, Clerk.