



Moussa Diarra v. State

2024 | Cited 0 times | Supreme Court of Alabama | August 13, 2024

Court of Appeals of the State of Georgia

ATLANTA, _____ August 13, 2024

The Court of Appeals hereby passes the following order:

A24A1703. MOUSSA DIARRA v. THE STATE.

Moussa Diarra was charged with aggravated assault and other crimes. In February 2019, the trial court entered an order finding him incompetent to stand trial. In September 2019, the trial court entered an order of nolle prosequi, noting that the State could not proceed at that time with the evidence available. In June 2024, Diarra filed a notice of appeal from the court's February 2019 competency order. We lack jurisdiction. Pretermitted the substantive issues raised by this appeal, the appeal is untimely. A notice of appeal must be filed within 30 days of entry of the order sought to be appealed. OCGA § 5-6-38 (a). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction on this Court. *Redford v. State*, 357 Ga. App. 247 , 250 (850 SE2d 447) (2020). Diarra's notice of appeal, filed more than five years after entry of the order he wishes to appeal, was untimely. Accordingly, we lack jurisdiction to consider this appeal, which is hereby DISMISSED.

Court of Appeals of the State of Georgia Clerk's Office, Atlanta, _____ 08/13/2024 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.

, Clerk.

