



## **Peachstate Concessionaires, Inc. v. Mekiah Bryant**

2024 | Cited 0 times | Court of Appeals of Georgia | June 20, 2024

Court of Appeals of the State of Georgia

ATLANTA, \_\_\_\_\_ February 08, 2024

The Court of Appeals hereby passes the following order:

A24D0228. MAJOR A. CLARK v. THE STATE.

On January 17, 2024, Major A. Clark filed this application for discretionary review of the trial court's October 13, 2021 order revoking his probation. We lack jurisdiction because the application is untimely. To be timely, an application for discretionary review must be filed within 30 days of entry of the order or judgment to be appealed. See OCGA § 5-6-35 (d). As this application was filed more than two years after entry of the order revoking Clark's probation, it is untimely and is hereby DISMISSED.<sup>1</sup> See *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989) ("The requirements of OCGA § 5-6-35 are jurisdictional and this [C]ourt cannot accept an appeal not made in compliance therewith."); see also *Gable v. State*, 290 Ga. 81, 82 (2) (a) (720 SE2d 170) (2011).

<sup>1</sup> Clark states in his application that a notice of discretionary appeal was previously filed in the trial court. However, he has not included evidence of such a filing or of how or whether the trial court disposed of it. In any event, appeals from orders revoking probation must be made by application and timely filed "with the clerk of the Supreme Court or the Court of Appeals[,] not with the clerk of the trial court. See OCGA § 5-6-35 (a) (5), (d).

(noting that this Court "has held that the failure to meet the statutory deadline for filing a discretionary appeal is a jurisdictional defect").

C our t of Appeals of the State of G eorgia Clerk's Office, Atlanta, \_\_\_\_\_ 02/08/2024 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.

