

Court of Appeals of the State of Georgia

ATLANTA, May 22, 2012

The Court of Appeals hereby passes the following order:

A12A1764. BELLA JENKINS v. THE STATE.

On November 29, 2011, Bella Jenkins pled guilty to arson and criminal damage to property. Jenkins filed a pro se notice of appeal on January 12, 2012. Her appeal has now been docketed in this Court.

We lack jurisdiction. To be timely, a notice of appeal must be filed within 30 days after entry of the appealable order. 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. See *Rowland v. State*, 264 Ga. 872 (1) (452 SE2d 756) (1995). Jenkins did not file her notice of appeal until 44 days after entry of the judgment she seeks to appeal. Accordingly, her appeal is hereby DISMISSED as untimely.

We note, however, that Jenkins may be entitled to pursue an out-of-time appeal. She is therefore informed of the following in accordance with *Rowland v. State*, supra: This appeal has been dismissed because you failed to file a timely notice of appeal. If you still wish to appeal, you may petition the trial court for leave to file an out-of-time appeal. If the trial court grants your request, you will have 30 days from the entry of that order to file a notice of appeal referencing your conviction. If the trial court denies your request, you will have 30 days from the entry of that order to file a notice of appeal referencing the denial of your request for an out-of-time appeal.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/22/2012

*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.*

Holly K. O. Spanow, Clerk.