Court of Appeals
of the State of Georgia

ATLANTA, November 07, 2012

The Court of Appeals hereby passes the following order:

A13D0084. HENRY GUY JONES v. THE STATE.

Henry Guy Jones, *pro se*, seeks discretionary review of the trial court's order denying demand for speedy trial. A defendant has the right to directly appeal from the pre-trial denial of a speedy trial demand. *Callaway v. State*, 275 Ga. 332 (567 SE2d 13) (2002).

Under OCGA § 5-6-35 (j), when a timely application for discretionary appeal is filed in a case that is subject to direct appeal under OCGA § 5-6-34 (a), but not subject to discretionary appeal under OCGA § 5-6-35 (a), and the applicant has not filed a timely notice of appeal, the appellate court has jurisdiction to decide the case and must grant the application.[1] Accordingly, this application is GRANTED. Jones shall have ten days from the date of this order to file a notice of appeal with the superior court. OCGA § 5-6-35 (g). The clerk of the superior court is instructed to include a copy of this order in the appeal record transmitted to this Court.

[1] Jones filed his timely application in the Supreme Court, which transferred it here.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 11/07/2012

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. Loarca, *Clerk.*