Court of Appeals
of the State of Georgia

ATLANTA, December 14, 2012

The Court of Appeals hereby passes the following order:

A12A2215. FANIEL v. THE STATE.

On January 31, 2010, Robert Yusef Faniel was arrested on charges stemming from an investigation into two drive-by shootings that had occurred in Gwinnett County the previous day. On April 28, 2010, the grand jury returned an indictment charging him with 19 felony counts, including 13 counts of aggravated assault, arising out of the drive-by shooting incidents and the seizure of illegal drugs that occurred as part of that investigation. Almost two years later, on April 10, 2012, Yusef filed a plea in bar, moving to dismiss the case on the ground that his constitutional right to a speedy trial had been violated. After conducting a hearing, the trial court entered an order denying the plea in bar on June 15, 2012, and Faniel appeals directly from that order.

In the recent case of *Sosniak v. State*, Case No. S12A0799 (decided Nov. 19, 2012), the Supreme Court of Georgia overruled its precedent and held that a criminal defendant does not have the right to directly appeal the denial of a pre-trial constitutional speedy trial claim; instead, the defendant must follow the interlocutory appeal procedures set forth in OCGA § 5-6-34 (b). Because Faniel failed to follow those interlocutory procedures, his appeal is hereby DISMISSED for lack of jurisdiction. See *Stevens v. State*, __ Ga. __ (Case Nos. S12A1795, S12A1796, decided Nov. 27, 2012); *Morris v. State*, __ Ga. App. __ (Case No. A12A2210, decided Dec. 5, 2012).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 12/14/2012

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.

Kelly K. O. Lamar *, Clerk.*