Court of Appeals
of the State of Georgia

ATLANTA, January 26, 2016

The Court of Appeals hereby passes the following order:

A16A0613. PATRICK WAYNE ANGELL v. THE STATE.

Patrick Angell pled guilty to burglary and possession of tools for the commission of a crime, and the trial court entered his judgment of conviction on August 6, 2014. Angell filed a pro se notice of appeal on June 10, 2015. We lack jurisdiction.

To be timely, a notice of appeal must be filed within 30 days of entry of the order on appeal. See 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. *Rowland v. State*, 264 Ga. 872, 872 (1) (452 SE2d 756) (1995). Because Angell filed his notice of appeal more than ten months after entry of the order he seeks to appeal, it is untimely.[1] Accordingly, this appeal is hereby DISMISSED for lack of jurisdiction.

We note, however, that Angell was represented by counsel before the trial court and may be entitled to pursue an out-of-time appeal. He is therefore informed of the following in accordance with *Rowland v. State*, supra at 875-876: 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

[1] To the extent that Angell seeks to appeal the trial court's May 7, 2015, order denying his motion to withdraw his guilty plea, his notice of appeal also is untimely, as it was filed 34 days after that order.

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.

The Clerk of Court is directed to send a copy of this order to Angell and to Angell's attorney, and the latter is also directed to send a copy to Angell.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 01/26/2016
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.

Stephen E. Castlen, *Clerk.*