Court of Appeals
of the State of Georgia

ATLANTA, January 28, 2016

The Court of Appeals hereby passes the following order:

A16D0226. TIMOTHY PRIEST WALKER v. THE STATE.

Timothy Priest Walker pled guilty in 2007 to voluntary manslaughter, aggravated assault, and possession of a firearm by a first offender probationer. On November 18, 2015, Walker filed a pro se application for discretionary appeal in the Supreme Court, which was transferred to this Court for disposition. We, however, lack jurisdiction to consider the application.

A defendant may directly appeal his conviction. Ordinarily, if a party applies for discretionary review of a directly appealable order, we grant the application under OCGA § 5-6-35 (j). To fall within this general rule, however, the application must be filed within 30 days of entry of the order or judgment to be appealed. OCGA § 5-6-35 (d); *Hill v State*, 204 Ga. App. 582 (420 SE2d 393) (1992). The proper and timely filing of the application is an absolute requirement to confer appellate jurisdiction upon this Court. See *Rowland v. State*, 264 Ga. 872 (452 SE2d 756) (1995). Walker, however, filed this application eight years after entry of his disposition. Accordingly, the application is untimely and we lack jurisdiction to consider it. This application is hereby DISMISSED.

We note, however, that Walker may be entitled to pursue an out-of-time appeal if his asserted errors fall within the context of *Rowland v. State*, 264 Ga. 872 (452 SE2d 756) (1995). He is therefore informed of the following in accordance with *Rowland*: This application 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, 01/28/2016

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.*