Court of Appeals
of the State of Georgia

ATLANTA, June 09, 2016

The Court of Appeals hereby passes the following order:

A16A1661. THOMAS LARRY PYBURN v. THE STATE.

In 2009, Thomas Larry Pyburn was found guilty of incest, and his conviction was affirmed on appeal. See *Pyburn v. State*, 301 Ga. App. 372 (687 SE2d 909) (2009). Pyburn has since filed two extraordinary motions for new trial. On March 23, 2016, the trial court entered an order dismissing Pyburn's second such motion. Pyburn then filed a notice of appeal to this Court. We lack jurisdiction.

An order denying an extraordinary motion for a new trial must be appealed by application for discretionary appeal. OCGA § 5-6-35 (a) (7); *Balkcom v. State*, 227 Ga. App. 327, 329 (489 SE2d 129) (1997).[1] Thus, Pyburn is not entitled to a direct appeal from the order he challenges, and this direct appeal is hereby DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/09/2016
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.*

[1] Moreover, because this was the second extraordinary motion for new trial filed by Pyburn, the trial court properly dismissed the motion. See OCGA § 5-5-41 (b) (only one extraordinary motion for new trial allowed).