Court of Appeals
of the State of Georgia

ATLANTA, July 12, 2016

The Court of Appeals hereby passes the following order:

A16A1936. JAMAL DELEON CALLOWAY v. THE STATE.

On June 12, 2013, Jamal Deleon Calloway pled guilty to four counts of armed robbery. He subsequently filed an out-of-time motion and amended motion to withdraw his guilty plea, which the trial court denied on August 18, 2015. Calloway then filed a motion for an out-of-time appeal. The trial court denied this motion on April 11, 2016, and Calloway filed his notice of appeal from that order on May 16, 2016. We lack jurisdiction.

Pretermitting whether Calloway was entitled to a direct appeal from the April 11, 2016 order, 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. See *Couch v. United Paperworkers Intl. Union*, 224 Ga. App. 721 (482 SE2d 704) (1997). Because Calloway filed his notice of appeal 35 days after entry of the order he seeks to appeal, it is untimely. Accordingly, this appeal is hereby DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/12/2016
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.*