Court of Appeals
of the State of Georgia

ATLANTA, August 31, 2016

The Court of Appeals hereby passes the following order:

A17A0115. MATTHEW BRETT BAILEY v. THE STATE.

Matthew Brett Bailey filed a motion to seal his criminal records pursuant to OCGA § 35-3-37 (m). The trial court denied the motion by order entered on February 21, 2014. Bailey filed a motion for reconsideration, which the court denied. He then filed a second motion for reconsideration, which the court also denied. On February 29, 2016, Bailey filed a notice of appeal to this Court. We lack jurisdiction because the appeal is untimely.

A notice of appeal must be filed within 30 days of the entry of the order sought to be appealed. See OCGA § 5-6-38 (a). "The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon an appellate court." *Perlman v. Perlman*, 318 Ga. App. 731, 739 (4) (734 SE2d 560) (2012) (citation and punctuation omitted). The filing of a motion for reconsideration does not extend the time for filing a notice of appeal, and the denial of such a motion is not directly appealable. See *State v. White*, 282 Ga. 859, 860 (1) (655 SE2d 575) (2008); *Bell v. Cohran*, 244 Ga. App. 510 (536 SE2d 187) (2000). Here, Bailey filed his notice of appeal more than two years after entry of the trial court's order denying his motion to seal records. The notice of appeal is untimely as to the trial court's order denying his motion to seal records and invalid as to the order denying his second motion for reconsideration.

This appeal is hereby DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/31/2016

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.*