Court of Appeals
of the State of Georgia

ATLANTA, September 08, 2016

The Court of Appeals hereby passes the following order:

A17A0135. SAMORIAL HURST v. THE STATE.

In 1999, Samorial Hurst was convicted by a jury of two counts of armed robbery, for which he was sentenced to life without parole. Hurst's convictions were affirmed on appeal. See *Hurst v. State*, 260 Ga. App. 708 (580 SE2d 666) (2003). In 2014, Hurst filed a "Motion to Correct Void Sentence" alleging he was improperly sentenced pursuant OCGA § 17-10-7 (d). On February 27, 2015, the trial court denied the motion. Hurst subsequently filed his notice of appeal on April 6, 2015. We, however, lack jurisdiction.

Pretermitting whether Hurst was entitled to a direct appeal, 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 *Rowland v. State*, 264 Ga. 872, 872 (1) (452 SE2d 756) (1995). Because Hurst filed his notice of appeal 38 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, 09/08/2016
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.*