Court of Appeals
of the State of Georgia

ATLANTA, November 15, 2016

The Court of Appeals hereby passes the following order:

A17D0148. DONTA Q. JOHNSON v. THE STATE.

Donta Q. Johnson filed this application for discretionary appeal from the trial court's "Order Denying Motion Request for Disbursement of Indigent Funds; to Effectuate the Right of Appeal by Constitutional Standards; and for Continuance to the October Hearing." It appears from the sparse application materials that the challenged order is final, and no provision of OCGA § 5-6-35, the discretionary appeal statute, appears to apply here.

We will grant a timely application for discretionary appeal if the lower court's order is subject to direct appeal. See OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED, and Johnson shall have ten days from the date of this order to file a notice of appeal with the trial court. If he has already filed a notice of appeal in the trial court, he need not file a second notice. The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 11/15/2016
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.*