Court of Appeals
of the State of Georgia

ATLANTA, August 16, 2017

The Court of Appeals hereby passes the following order:

A17A1770. MARSHALL RICE v. THE STATE.

Marshall Rice was convicted of multiple offenses, and we affirmed his convictions on appeal. See *Rice v. State*, Case No. A16A1822 (decided November 30, 2016) (unpublished). Rice subsequently filed a pro se motion to merge sentences, which the trial court denied on March 16, 2017. He filed a motion for reconsideration, which the trial court denied on April 11, 2017. On April 19, 2017, Rice filed this direct appeal from the denial of his motion to merge. We, however, lack jurisdiction to review the case.

Pretermitting whether the trial court's denial of Rice's motion is subject to appellate review, a notice of appeal must be filed within 30 days after entry of an appealable order. OCGA § 5-6-38 (a). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon this Court. *Couch v. United Paperworkers Intl. Union*, 224 Ga. App. 721 (482 SE2d 704) (1997). A motion for reconsideration does not extend the time for appealing the underlying judgment – in this case, the March 16 order. *Bell v. Cohran*, 244 Ga. App. 510, 511 (536 SE2d 187) (2000). In addition, a trial court's denial of a motion for reconsideration is not subject to direct appeal. Id. Rice's notice of appeal, therefore,

is untimely as to the March 16 order and invalid as to the order denying his motion for reconsideration. Accordingly, we lack jurisdiction to consider Rice's appeal, and it is hereby DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/16/2017
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.*