Court of Appeals
of the State of Georgia

ATLANTA, August 04, 2017

The Court of Appeals hereby passes the following order:

A17D0553. NIGEL HARRISON v. THE STATE.

In 2013, Nigel Harrison pled guilty to two separate indictments. He subsequently filed what he styled as a "Motion to Vacate Conviction; Withdraw Plea and a New Trial," in which he asserted that his counsel had been ineffective. The trial court dismissed the motion as untimely in an order entered on November 12, 2014. On May 25, 2017, Harrison filed this application for discretionary appeal in the Supreme Court, which transferred it to this Court after finding that the order did not invoke the Supreme Court's jurisdiction. We likewise lack jurisdiction.

The denial of a motion to withdraw a guilty plea may be appealed directly. See *Smith v. State*, 283 Ga. 376, 376 (659 SE2d 380) (2008). Ordinarily, if a party applies for discretionary review of a directly appealable order, we grant the application under OCGA § 5-6-35 (j). To fall within this general rule, however, the application must be filed within 30 days of entry of the order to be appealed. See OCGA § 5-6-35 (d); *Hill v. State*, 204 Ga. App. 582, 582 (420 SE2d 393) (1992). The proper and timely filing of an application is an absolute requirement to confer appellate jurisdiction upon this Court. See *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). Because Harrison's application was filed years after entry of the order he seeks to challenge, this Court is without jurisdiction to consider this untimely application, which is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/04/2017

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.*