Court of Appeals
of the State of Georgia

ATLANTA, March 06, 2019

The Court of Appeals hereby passes the following order:

A19A1411. THOMAS LESTER CAMPBELL v. THE STATE.

In 2003, Thomas Campbell pled guilty to two controlled substance offenses, and the trial court imposed a sentence that included a prison term, to be followed by several years on probation. The trial court revoked Campbell's probation in 2017 after finding that he had committed a new felony. The following year, Campbell filed a motion for a free transcript and minutes of his probation revocation proceedings. The trial court denied Campbell's motion, and he filed this direct appeal. We lack jurisdiction.

The underlying subject matter of an appeal controls over the relief sought in determining the proper appellate procedure. See *Rebich v. Miles*, 264 Ga. 467, 467-468 (448 SE2d 192) (1994); *White v. State*, 233 Ga. App. 873, 874 (505 SE2d 228) (1998). The underlying subject matter here is the revocation of Campbell's probation. An appeal in such a proceeding must be initiated by filing an application for discretionary review. OCGA § 5-6-35 (a) (5), (b); *White*, 233 Ga. App. at 874. "Compliance with the discretionary appeals procedure is jurisdictional." *Smoak v. Dept. of Human Resources*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). Thus, pretermitting whether the trial court's order here would otherwise be subject to appellate review, Campbell's failure to follow the discretionary appeal procedure in

this action deprives us of jurisdiction over this direct appeal, which is hereby DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/06/2019
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.*