

Court of Appeals of the State of Georgia

ATLANTA, September 02, 2026

The Court of Appeals hereby passes the following order:

A27D0075. WALTER J. DOOLEY, JR. v. THE STATE.

In February 2026, Walter Dooley, Jr. pleaded guilty to trafficking, obstruction of an officer, and driving with an suspended license. Dooley filed a motion to withdraw guilty plea, which the trial court denied on June 25, 2026. Proceeding pro se, Dooley filed the instant application for discretionary appeal on August 14, 2026. We, however, lack jurisdiction.

The denial of a motion to withdraw a guilty plea is directly appealable.¹ See, e.g., *Smith v. State*, 283 Ga. 376 (659 SE2d 380) (2008). Ordinarily, when a party has a right of direct appeal and files an application for discretionary appeal, we will grant the application. See OCGA § 5-6-35 (j). However, the application for a discretionary appeal must be filed within 30 days of the order being appealed. See OCGA § 5-6-35 (d). The requirements of OCGA § 5-6-35 are jurisdictional, and this Court cannot accept an application for appeal not made in compliance therewith. *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). Here, Dooley filed his application 50 days after entry of the order he seeks to appeal. Given that the application is untimely, we are without jurisdiction to consider it.

¹ OCGA § 5-6-35(a)(5.3), which requires the filing of an application for discretionary review to appeal from a guilty plea, does not apply to appeals from orders denying motions to withdraw guilty pleas. See *Peoples v. State*, 378 Ga. App. 740, 741 n.1 (927 SE2d 351) (2026).

Accordingly, this application is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/02/2026

*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.*

Christina Bailey Smith

, Clerk.