

Court of Appeals of the State of Georgia

ATLANTA, August 13, 2026

The Court of Appeals hereby passes the following order:

A27A0067. TERRY BYRD v. THE STATE.

In 2012, Terry Byrd pleaded guilty to aggravated sodomy and other crimes. In November 2025, he filed a pro se motion for an out-of-time appeal and appointment of counsel pursuant to OCGA § 5-6-39.1, which the trial court dismissed and/or denied on November 5, 2025. Byrd filed a notice of appeal to this Court on January 15, 2026. We lack jurisdiction.

A notice of appeal must be filed within 30 days of entry of the judgment or trial court order sought to be appealed. OCGA § 5-6-38(a). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction on this Court. *Ebeling v. State*, 355 Ga. App. 469, 469 (844 SE2d 518) (2020). Because Byrd's notice of appeal was filed 71 days after entry of the trial court's order, it is untimely. Accordingly, this appeal is hereby DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/13/2026

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.