Court of Appeals
of the State of Georgia

ATLANTA, September 30, 2026

The Court of Appeals hereby passes the following order:

A27A0436. TEDDY M. POWELL v. THE STATE.

Teddy M. Powell was indicted for rape (Count 1), aggravated sodomy (Count 2), first degree burglary (Count 3), and false imprisonment (Count 4). In 2015, Powell entered a negotiated guilty plea to Count 2 in exchange for the State nolle prossing the remaining counts, and the trial court sentenced him to life with parole. However, the sentencing sheet erroneously indicated that Powell had pleaded guilty to sodomy. In May 2026, Powell moved to vacate his sentence, arguing that a life sentence exceeded the 20-year statutory maximum for sodomy and that he was entitled to a split sentence under OCGA § 17-10-6.2. The trial court denied the motion, ruling that the "sodomy" notation was "obviously a clerical error," that Powell pleaded guilty to aggravated sodomy, — for which a life sentence is statutorily authorized under OCGA § 16-6-2(b)(2) — and that OCGA § 17-10-6.2 does not apply. Powell then filed this direct appeal. However, he has no right to appeal.

Under OCGA § 17-10-1(f)(1), a court may modify a sentence during the year after its imposition or within 120 days after remittitur following a direct appeal, whichever is later. *Frazier v. State*, 302 Ga. App. 346, 348 (691 SE2d 247) (2010). Once, as here, this statutory period expires, a trial court may modify only a void sentence. Id. "A sentence is void if the court imposes punishment that the law does not allow." *Jones v. State*, 278 Ga. 669, 670 (604 SE2d 483) (2004) (quotation marks omitted). When a sentence falls within the statutory range of punishment, it is neither void nor subject to modification beyond the time provided in OCGA § 17-10-1(f)(1). See id. And a direct appeal does not lie from the denial of a motion to modify a

sentence filed outside the statutory time period unless the motion raises a colorable claim that the sentence is, in fact, void. *Frazier*, 302 Ga. App. at 348.

Here, Powell raises no colorable void sentence claim. The record shows that Powell pleaded guilty to aggravated sodomy, notwithstanding the scrivener's error on the final disposition.[1] Because a life sentence is expressly authorized for aggravated sodomy under OCGA § 16-6-2(b)(2), Powell's sentence is valid. Furthermore, aggravated sodomy is not among the "sexual offenses" subject to mandatory split sentencing under OCGA § 17-10-6.2(a); rather, it is designated a "serious violent felony" under OCGA § 17-10-6.1(a)(6), which requires no split sentence when a life term is imposed. See *Priddy v. State*, 362 Ga. App. 434, 445(5) (868 SE2d 831) (2022).

Because Powell failed to raise a colorable void sentence claim, he is not entitled to a direct appeal from the trial court's order. See *Frazier*, 302 Ga. App. at 349. For this reason, this appeal is hereby DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 09/30/2026

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 Correy Smith , *Clerk.*

[1] When the record unambiguously establishes the offense to which the defendant entered a guilty plea, this Court considers the legality of the sentence under that offense rather than a clerical misnomer on the final disposition form. See *Bryant v. State*, 172 Ga. App. 200, 200–01(1) (322 SE2d 524) (1984) (holding that a misnomer in styling the charge on a written sentence is a clerical error correctable to conform to the record, not a jurisdictional defect voiding the sentence).