

Court of Appeals of the State of Georgia

ATLANTA, October 08, 2026

The Court of Appeals hereby passes the following order:

A27I0059. WILLIAM DANIEL DUBEE, JR. v. THE STATE.

On August 4, 2026, the trial court issued orders denying William Daniel Dubee, Jr.'s motion to dismiss the indictment, motion to suppress evidence, and motion to return seized firearm. On September 15, 2026, the court certified its orders for immediate review. Dubee then filed this application for interlocutory review. We lack jurisdiction.

A party may seek interlocutory review only if the trial court “certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had.” OCGA § 5-6-34(b). A timely certificate of immediate review is a jurisdictional requirement. See *Von Waldner v. Baldwin/Cheshire, Inc.*, 133 Ga. App. 23, 24(2) (209 SE2d 715) (1974). If the certificate is not entered within the ten-day period, it is untimely, and the party seeking review generally must wait until final judgment to appeal. See OCGA § 5-6-34(b); *Duke v. State*, 306 Ga. 171, 178(3)(a) (829 SE2d 348) (2019); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

Here, because the certificate of immediate review was entered 42 days after entry of the underlying orders, we are constrained to conclude that we lack jurisdiction, and Dubee's interlocutory application is hereby DISMISSED.¹



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 10/08/2026

*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.

¹ We note that in order to give Dubee a second opportunity to pursue an interlocutory appeal, the trial court may vacate and reinstate both the underlying order and the certificate. See *Canoeside Properties v. Livsey*, 277 Ga. 425, 426–27(1) (589 SE2d 116) (2003); *Piedmont Hosp. v. D. M.*, 335 Ga. App. 442, 444(1) (779 SE2d 36) (2015).