

Court of Appeals of the State of Georgia

ATLANTA, October 01, 2026

The Court of Appeals hereby passes the following order:

A27A0418. CHRISTOPHER GEORGE PREUSS et al v. STATE OF GEORGIA.

After Christopher Preuss’s arrest, he was released on a \$2,000 bond, with Kenneth Johnson serving as the surety. Preuss subsequently failed to re-appear for a hearing as directed by the trial court. The State filed a motion for bond forfeiture and a bench warrant. The trial court granted the motions and forfeited the bond. The trial court took no other actions in relation to the original bond, and reset bond in this matter. Within thirty days of the forfeiture order, Preuss and Johnson filed a direct appeal of that order. We, however, lack jurisdiction.

A direct appeal is authorized from a final judgment of forfeiture after an execution hearing.¹ *Anytime Bail Bonding, Inc. v. State*, 299 Ga. App. 695, 696(1) (683 SE2d 358) (2009). In this case, the record does not include a final judgment of forfeiture as there has not been an execution hearing. Thus, the trial court’s order that Presuss and Johnson seek to appeal is not a final order, and they were required to use the interlocutory appeal procedures to obtain review at this time. See OCGA §

¹ We do note that OCGA § 17-6-71(a) requires a judge who has forfeited a bond to order an execution hearing. Notice of that execution hearing must be served by the clerk within ten days of the failure to appear. “Such ten-day notice shall be adhered to strictly.” OCGA § 17-6-71(a). “[U]pon a failure to send notice of the execution hearing within ten days of the failure of the principal to appear, the surety is released and discharged of any further obligation to ensure the appearance of the principal and of any further liability on the bond.” *Anytime Bail Bonding, Inc. v. State of Ga.*, 350 Ga. App. 288, 290 (828 SE2d 662) (2019) (quotation marks omitted).

5-6-34(b); *Spring-U Bonding Co. v. State*, 200 Ga. App. 533, 533 (408 SE2d 831) (1991) (denial of motion to set aside and vacate bond forfeiture proceeding was not a final order). Preuss's and Johnson's failure to comply with the interlocutory appeal procedures deprives us of jurisdiction over this appeal, which is hereby DISMISSED.



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Clerk's Office, Atlanta, 10/01/2026

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.