

Court of Appeals of the State of Georgia

ATLANTA, August 31, 2026

The Court of Appeals hereby passes the following order:

A27A0280. FANTASIA SIMS v. THE STATE

On July 1, 2026, Fantasia Sims entered a non-negotiated *Alford*¹ plea to three counts each of aggravated assault and cruelty to children in the third degree and one count each of possession of a firearm during the commission of a felony and carrying a weapon within a school safety zone, and was sentenced to an aggregate of fifteen years, with the first year to be served in confinement. On August 4, 2026, Sims filed a notice of appeal. We lack jurisdiction for two reasons.

First, Sims’s appeal is untimely. 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). Sims’s notice of appeal was filed 34 days after entry of the sentence and is thus untimely.²

Second, effective May 14, 2025, any “direct appeal[]” from a guilty plea must

¹ *North Carolina v. Alford*, 400 U.S. 25 (91 SCt 160, 27 LE2d 162) (1970). Under *Alford*, a criminal defendant may enter a guilty plea while claiming she is innocent if she “intelligently concludes that [her] interests require entry of a guilty plea and the record before the judge contains strong evidence of actual guilt.” *Id.* at 37.

² We note that Sims’s notice of appeal is dated July 24, 2026. The prison mailbox rule, however, does not apply to the filing of a notice of appeal. See *McCroskey v. State*, 291 Ga. App. 15, 16(2) (660 SE2d 735) (2008). Therefore, it is the date that the notice of appeal was filed that controls the timeliness analysis.

be initiated by filing an application for discretionary review. OCGA § 5-6-35(a)(5.3), (b); Ga. L. 2025, p. 621, §§ 1-2, 4-2. See *Clark v. State*, 378 Ga. App. 111, 111 n.1 (924 SE2d 346) (2025). Compliance with the discretionary appeals procedure is jurisdictional. *Hester v. State*, 378 Ga. App. 121, 121 (924 SE2d 457) (2025). Consequently, Sims's failure to comply with the discretionary review procedure deprives us of jurisdiction over this direct appeal.

For these reasons, this appeal is hereby DISMISSED for lack of jurisdiction.



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Clerk's Office, Atlanta, 08/31/2026

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 Coley Smith

, Clerk.