

# Court of Appeals of the State of Georgia

ATLANTA, October 21, 2026

*The Court of Appeals hereby passes the following order:*

## **A27A0552. JUWON QAUNTAVIUS JUNG v. THE STATE.**

Juwon Jung pled guilty to robbery by force, aggravated assault, and other crimes, and the trial court imposed a total sentence of 15 years in prison, to be followed by 13 years on probation, in April 2025. The record on appeal contains no indication that Jung filed a direct appeal from his convictions. In August 2026, Jung filed a pro se motion for leave to file a motion to modify his sentence, in which he argued that he did not commit acts constituting robbery by force or aggravated assault, that those two convictions should merge, and that the trial court should apply the rule of lenity to his sentences. The trial court dismissed the motion — which the court construed as a motion to modify Jung’s sentence — and this appeal followed.<sup>1</sup> We lack jurisdiction.

Under OCGA § 17-10-1(f), 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

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<sup>1</sup> While Jung’s notice of appeal indicates that he seeks to appeal a September 1, 2026 trial court order addressing an “out-of-time notice of appeal,” no such ruling appears in the record, and the only order entered on that date dismissed his motion to modify his sentence.

to modification beyond the time provided in OCGA § 17-10-1(f). See *id.* 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, Jung’s arguments that he did not commit acts constituting robbery by force or aggravated assault and that those convictions should merge are challenges to his convictions, not his sentences. See *Williams v. State*, 287 Ga. 192, 193–94 (695 SE2d 244) (2010) (a merger claim is a challenge to convictions, not sentences). To the extent that Jung’s motion could be construed as seeking to vacate or modify his convictions, “a petition to vacate or modify a judgment of conviction is not an appropriate remedy in a criminal case,” *Harper v. State*, 286 Ga. 216, 218(1) (686 SE2d 786) (2009), and any appeal from an order denying or dismissing such a motion must be dismissed, see *id.* at 218(2). See also *Roberts v. State*, 286 Ga. 532, 532 (690 SE2d 150) (2010). And Jung’s rule-of-lenity argument has no bearing on whether his sentences fall within the statutory ranges of punishments for the offenses of which he was convicted and therefore also does not state a colorable void-sentence claim. See *von Thomas v. State*, 293 Ga. 569, 572(2) (748 SE2d 446) (2013) (“Motions to vacate a void sentence generally are limited to claims that — even assuming the existence and validity of the conviction for which the sentence was imposed — the law does not authorize that sentence, most typically because it exceeds the most severe punishment for which the applicable penal statute provides.”); *Jones*, 278 Ga. at 670; *Frazier*, 302 Ga. App. at 348.

For the above reasons, we lack jurisdiction over this appeal, which is hereby  
DISMISSED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, 10/21/2026*

*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.*