

Court of Appeals of the State of Georgia

ATLANTA, October 06, 2026

The Court of Appeals hereby passes the following order:

A27D0174. WILLIAM ANTHONY ACREE v. THE STATE.

On July 13, 2026, the trial court issued an order revoking William Anthony Acree's probation. In September 2026, Acree filed this application for discretionary review.¹ We lack jurisdiction because the application is untimely.

An application for discretionary review must be filed within 30 days of entry of the order to be appealed. OCGA § 5-6-35(d). This statutory deadline is jurisdictional, and we cannot accept an application for appeal not made in compliance with it. *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). Acree's application is untimely because he filed it more than 30 days after entry of the order revoking his probation.

¹ Giving Acree the benefit of the doubt, the earliest possible filing date for his application is September 11, 2026. See Court of Appeals Rule 4(c)(1) ("In the absence of an official United States Postal Service postmark showing a date on or before the filing deadline, a document submitted by a prisoner who is not represented by an attorney shall be deemed filed on the date the prisoner delivers the document to prison officials for forwarding to the Clerk of the Court of Appeals. This delivery shall be shown by the date on the certificate of service or on an affidavit submitted by the prisoner with the document stating the date on which the prisoner gave the document to prison officials with sufficient prepaid postage for first-class mail and the name of the prison official to whom the document was delivered. The certificate or affidavit will give rise to a presumption that the date of filing reflected in the affidavit is accurate, but the State may rebut the presumption with evidence that the document was given to prison officials after the filing deadline or with insufficient postage. If the institution has a system designed for legal mail the prisoner must use it to rely upon the provisions of this paragraph.").

Accordingly, the application is hereby DISMISSED.

If, as Acree suggests, his right to timely seek appellate review was frustrated due to a trial court error, his remedy is to petition the trial court to vacate and re-enter the order at issue in the manner described in *Cambron v. Canal Ins. Co.*, 246 Ga. 147, 148–49(1) (269 SE2d 426) (1980), disapproved in part by *Wright v. Young*, 297 Ga. 683, 684 n.3 (777 SE2d 475) (2015).



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Clerk's Office, Atlanta, 10/06/2026

*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.