

Court of Appeals of the State of Georgia

ATLANTA, August 31, 2026

The Court of Appeals hereby passes the following order:

A27A0247. STEVEN WRIGHT v. THE STATE.

A grand jury indicted Steven Wright for three counts of child molestation and one count each of enticing a child for indecent purposes, aggravated child molestation, attempted rape, and attempted incest. Before trial, the trial court granted the State’s motion for an order of nolle prosequi as to the attempted rape charge. At trial, a jury found Wright not guilty of enticing a child for indecent purposes and guilty of the three child molestation charges but was unable to reach a verdict on the remaining two charges, and a mistrial was declared as to those charges. The record on appeal appears to contain no indication that those charges have been dismissed or nolle prossed. After the trial court sentenced Wright on the counts of which he was convicted, he filed a timely motion for a new trial, which the court denied. Wright then filed this timely direct appeal. We lack jurisdiction.

“[A] mistrial is not a final judgment or decision from which appeal will lie, as the cause of action is still pending in the trial court.” *Reedman v. State*, 265 Ga. App. 162, 166(8) (593 SE2d 46) (2003) (quotation marks omitted) (holding that a prior appeal by the defendant arising out of the same prosecution and following convictions on two of three charges, but the grant of a mistrial on the third charge, did not act as a supersedeas that deprived the trial court of jurisdiction to retry the defendant on the third charge because, given the mistrial on that charge, “there was no judgment of conviction to appeal”). See also *McCuen v. State*, 191 Ga. App. 645, 646 (382 SE2d 422) (1989); *Nickles v. State*, 86 Ga. App. 284, 284(1) & (3) (71 SE2d 574) (1952). Accord *Seals v. State*, 311 Ga. 739, 746(3) (860 SE2d 419) (2021) (declaring a mistrial

on one of multiple counts “meant the case was not final under [Georgia] precedent,” even where that count was placed on the trial court’s “dead docket”).

Because this action remains pending below, Wright was required to use the interlocutory appeal procedures — including obtaining a certificate of immediate review from the trial court — to appeal his convictions and sentences. See OCGA § 5-6-34(b); *Boyd v. State*, 191 Ga. App. 435, 435 (383 SE2d 906) (1989). Accord *Seals*, 311 Ga. at 746(3); *Chapman v. Clark*, 313 Ga. App. 820, 822–23(1) (723 SE2d 51) (2012). His failure to do so deprives us of jurisdiction over this direct appeal, which is hereby DISMISSED. See *Boyd*, 191 Ga. App. at 435.



Court of Appeals of the State of Georgia
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 Bailey Smith
_____, Clerk.