

Court of Appeals of the State of Georgia

ATLANTA, August 14, 2026

The Court of Appeals hereby passes the following order:

A27A0189. KEVIN SMITH v. THE STATE.

A jury found Kevin Smith guilty of felony murder and other offenses, and the trial court imposed a total sentence of life in prison without the possibility of parole. Following the denial of his motion for new trial, Smith filed this appeal, which the trial court clerk directed to this Court. However, the Supreme Court has appellate jurisdiction over “[a]ll cases in which a sentence of death was imposed or could be imposed.” Ga. Const. of 1983, Art. VI, Sec. VI, Par. III(8). Because a penalty of death may be imposed for the crime of felony murder, jurisdiction is proper in the Supreme Court. See OCGA § 16-5-1(c), (e)(1). See also *Hart v. State*, 322 Ga. 1, 10(1) (917 SE2d 631) (2025) (even in murder cases in which the death penalty was not sought, the Supreme Court has opted to exercise its jurisdiction to review all such cases).

Accordingly, this appeal is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/14/2026

*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.