

Court of Appeals of the State of Georgia

ATLANTA, September 03, 2026

The Court of Appeals hereby passes the following order:

A27D0081. HERMAN L. JOHNSON v. FUN SPOT AMERICA OF ATLANTA, INC.

On July 21, 2026, we dismissed Herman L. Johnson's direct appeal from the trial court's June 2, 2026 order denying a motion to vacate judgment because, inter alia, Johnson failed to comply with the discretionary appeals procedure. See Case No. A26A2471. See also OCGA § 5-6-35(a)(8), (b). On August 20, 2026, Johnson filed this application for discretionary appeal, again seeking review of the order denying the motion to vacate. We, however, lack jurisdiction.

To be timely, a discretionary application must be filed within 30 days of entry of the order to be appealed. OCGA § 5-6-35(d); *Hill v. State*, 204 Ga. App. 582, 583 (420 SE2d 393) (1992). This statutory deadline is jurisdictional, and we cannot accept an application for appeal not made in compliance with OCGA § 5-6-35(d). *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). As this application was filed 79 days after entry of the order, it is untimely and is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/03/2026

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 Boyle Smith

, Clerk.