

Court of Appeals of the State of Georgia

ATLANTA, October 08, 2026

The Court of Appeals hereby passes the following order:

A27A0515. NEKIA COOK v. THE STATE.

Nekia Cook was charged with trafficking in heroin, manufacturing marijuana, possession of methamphetamine, and possession of drug related objects. During trial, the trial court orally directed a verdict as to the possession of methamphetamine count, and Cook was convicted of the remaining counts. The record does not contain any written disposition as to the possession of methamphetamine count. Cook filed a motion for new trial, which was denied. Cook then filed this direct appeal. We, however, lack jurisdiction.

Under OCGA § 5-6-34(a)(1)(B), direct appeals generally may be taken from “[a]ll final judgments, that is to say, where the case is no longer pending in the court below[.]”¹ A trial court’s oral pronouncement made during a hearing, however, does not constitute a judgment. See *Payne v. Myatt*, 351 Ga. App. 678, 679(2) (832 SE2d 663) (2019). Thus, a criminal case generally remains pending until the trial court enters a written disposition as to each count. *Keller v. State*, 275 Ga. 680, 680–81 (571 SE2d 806) (2002). See also *Martin v. State*, 358 Ga. App. 291, 293 (855 SE2d 42) (2021) (“Absent a final disposition indicating the nolle prosequi of the vacated count and a sentence that reflects that nolle prosequi, this case remains pending in the trial

¹ Although OCGA § 5-6-34(a)(1)(A) defines the term “final judgment” to include “an order in a criminal proceeding with a multiple-count indictment or accusation which results in an adjudication of fewer than all of the counts in such indictment or accusation, the remainder of which are ordered dead docketed,” the trial court here did not order that any counts be dead docketed.

court.”).

Although the trial transcript indicates the trial court’s intention to grant Cook a directed verdict on the possession of methamphetamine count, the court’s oral ruling does not qualify as a final disposition. Under these circumstances, Cook was required to use the interlocutory appeal procedures — including obtaining a certificate of immediate review from the trial court — to appeal his conviction on the remaining counts. See OCGA § 5-6-34(b). His failure to do so deprives this Court of jurisdiction over this direct appeal, which is hereby DISMISSED.²



Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta, 10/08/2026

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.

² Once the trial court enters an order disposing of the possession of methamphetamine count, it appears that Cook’s conviction will be final and he will be entitled to a direct appeal.