

Court of Appeals of the State of Georgia

ATLANTA, September 04, 2026

The Court of Appeals hereby passes the following order:

A27A0199. JAIRUS SCRADERS v. THE STATE.

In September 2025, in Fulton County Superior Court, Jairus Scraders pleaded guilty to one count each of influencing a witness and making terroristic threats, and three counts of aggravated cruelty to animals. In June 2026, Scraders filed a pro se motion for an out-of-time appeal pursuant to OCGA § 5-6-39.1, which the trial court dismissed in an amended order entered on July 7, 2026. Scraders has filed a timely appeal. We, however, lack jurisdiction.

In *Cook v. State*, 313 Ga. 471, 506(5) (870 SE2d 758) (2022), the Supreme Court of Georgia determined that trial courts lack authority to grant out-of-time appeals, and that any remedy involving an out-of-time appeal must be sought in habeas corpus. In response, the legislature enacted OCGA § 5-6-39.1, which became effective on May 14, 2025. This statute allows defendants to seek out-of-time relief if (1) the defendant moves for leave to file an out-of-time motion for new trial or notice of appeal within 100 days from the expiration of the time period for the filing of such motion or notice, or (2) the defendant had an out-of-time motion or appeal dismissed under *Cook*. OCGA § 5-6-39.1.

The provisions of OCGA § 5-6-39.1 do not apply to Scraders because he neither filed his motion for an out-of-time appeal within 100 days from the expiration of the time period for filing a notice of appeal nor did he have an out-of-time motion for appeal dismissed under *Cook*. Moreover, to the extent that Scraders seeks to now withdraw his guilty plea, he must pursue such relief through habeas corpus proceedings, as the term of court in which his sentence was imposed expired in

October 2025. See *Nuckles v. State*, 324 Ga. 154, 157(2)(b) (929 SE2d 249) (2026). See also OCGA § 15-6-3(3) (providing that the terms of court in Fulton County begin on the first Mondays in January, March, May, July, September, and November). Accordingly, this appeal is hereby DISMISSED.



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Clerk's Office, Atlanta, 09/04/2026

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.