

Court of Appeals of the State of Georgia

ATLANTA, September 11, 2019

The Court of Appeals hereby passes the following order:

A20A0214. TED JEFFERSON v. THE STATE.

A jury found Ted Jefferson guilty of two counts each of armed robbery (Counts 1-2) and aggravated assault (Counts 4-5) and one count each of kidnapping with bodily injury (Count 3), burglary (Count 6), and possession of a firearm during the commission of a crime (Count 7). The trial court imposed a sentence of life in prison on Count 3, concurrent 20-year sentences on Counts 1-2 and 4-6, and a consecutive 5-year sentence on Count 7. Jefferson filed a motion for a new trial, which the trial court granted as to Counts 1 and 2 and denied as to the remaining counts. Jefferson then filed this direct appeal. We lack jurisdiction.

Under OCGA § 5-6-34 (a) (1), 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.” A trial court order granting a motion for a new trial is a non-final order, leaving the case pending before the trial court. See *State v. Ware*, 282 Ga. 676, 677 (653 SE2d 21) (2007), superseded in part on other grounds by statute, Ga. L. 2011, pp. 612-613, § 1 (codified at OCGA § 5-7-2); see also *Prather v. State*, 303 Ga. App. 374, 375 & n. 5 (693 SE2d 546) (2010). Consequently, because this action remains pending below, Jefferson was required to use the interlocutory appeal procedures – including obtaining a certificate of immediate review from the trial court – to appeal the order at issue here. See OCGA § 5-6-34 (b); *Boyd v. State*, 191 Ga. App. 435, 435 (383

SE2d 906) (1989). 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, 09/11/2019

*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.*

Stephen E. Castles

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, October 30, 2019

The Court of Appeals hereby passes the following order

A20A0214. TED JEFFERSON v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, October 30, 2019.

*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.*

Stephen E. Castles, Clerk.