

COURT OF APPEALS OF THE STATE OF GEORGIA

Latisha Shana McCoy v. The State

A16I0192 · No. A16I0192 · Decided May 11, 2016

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA, _____ May 10, 2016 The Court of Appeals hereby passes the following order: A16I0192. LATISHA SHANA MCCOY v. THE STATE. Latisha Shana McCoy was stopped at a roadblock and was eventually arrested for driving while intoxicated. She filed a motion to suppress asserting the roadblock was unconstitutional.

On December 17, 2015, the trial court denied her motion to suppress. McCoy filed a motion for reconsideration, which was denied by the trial court on February 22, 2016. McCoy filed a petition for certificate of immediate review.

On April 12, 2016, the trial court entered an order granting McCoy's petition. McCoy subsequently filed this application for an interlocutory appeal on April 18, 2016, seeking to appeal the denial of her motion to suppress and her motion for reconsideration.

We, however, lack jurisdiction. Pursuant to OCGA § 5-6-34 (b), a party may request interlocutory review only if the trial court certifies within ten days of entry of the order at issue that immediate review should be had. If the certificate of immediate review is not entered within that ten-day period, it is untimely, and the party seeking review must wait until the final judgment to appeal.

See OCGA § 5-6- 34 (b); Turner v. Harper, 231 Ga. 175, 176 (200 SE2d 748) (1973). Here, the order denying the motion for reconsideration was entered on February 22, 2016, but the certificate of immediate review was not entered until 50 days later on April 12, 2016.

Because the trial court did not enter the certificate of immediate review within ten days of entry of the order at issue, we lack jurisdiction to consider this application, which is hereby DISMISSED. Court of Appeals of the State of Georgia 05/10/2016 Clerk's Office, Atlanta, _____ 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., Clerk.