

COURT OF APPEALS OF THE STATE OF GEORGIA

Dekeitheon Mobley v. State

Mobley · No. A26A0802 · Decided January 16, 2026

SUMMARY

The Georgia Court of Appeals dismissed Dekeitheon Mobley’s direct appeal from an order revoking probation. The court held that an appeal from a probation revocation order must be brought by application for discretionary appeal under OCGA § 5-6-35(a)(5), and that failure to use the required procedure deprived the court of jurisdiction.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Court of Appeals of the State of Georgia
DECIDED	January 16, 2026
DOCKET	A26A0802
DISPOSITION	dismissed
PROCEDURAL POSTURE	Mobley filed a direct appeal from an order revoking his probation. The State moved to dismiss, asserting that the appeal was subject to the discretionary-appeal procedure and that the court therefore lacked jurisdiction.
STANDARD OF REVIEW	The court determined its appellate jurisdiction as a matter of law.
PRECEDENTIAL VALUE	Published
PARTIES	Dekeitheon Mobley v. The State

TOPICS

- appellate jurisdiction
- appellate procedure
- probation
- criminal procedure

PRACTICE AREAS

- Criminal appellate procedure
- Probation

QUESTIONS PRESENTED

- Whether a probation revocation order must be appealed through the discretionary-appeal procedure rather than by direct appeal.

2. Whether failure to comply with the discretionary-appeal procedure deprives the Court of Appeals of jurisdiction.

HOLDINGS

1. An appeal from a probation revocation order must be taken by application for discretionary appeal under OCGA § 5-6-35 (a)(5), not by direct appeal.
2. Compliance with the discretionary-appeal procedure is jurisdictional; failure to comply deprives the Court of Appeals of jurisdiction and requires dismissal of the appeal.

KEY QUOTATIONS

“Appeals from probation revocation orders must be made by application for discretionary appeal.”

“Compliance with the discretionary appeals procedure is jurisdictional.”

“In this case, Mobley’s failure to follow the proper procedure deprives us of jurisdiction.”

FACTUAL BACKGROUND

Mobley received probationary sentences following guilty pleas in 2022 and 2023. In 2025, the trial court revoked his probation. He sought direct appellate review of the revocation order rather than filing an application for discretionary appeal.

PROCEDURAL HISTORY

In 2022, Mobley pleaded guilty to aggravated assault and possession of a firearm during the commission of a felony and received sentences including probation. After a later 2023 guilty plea to gang-related and other offenses, he received another sentence including probation. In 2025, the trial court revoked his probation. Mobley filed a direct appeal, and the Court of Appeals granted the State's motion to dismiss because he had not pursued a discretionary appeal.

DISPOSITION

dismissed

CASES CITED

- Jones v. State, 322 Ga. App. 269, 269 n. 2, 745 S.E.2d 1 (2013)
- Smoak v. Department of Human Resources, 221 Ga. App. 257, 257, 471 S.E.2d 60 (1996)

OPINION

PER CURIAM.

Court of Appeals of the State of Georgia ATLANTA, _____ January 16, 2026
The Court of Appeals hereby passes the following order: A26A0802. DEKEITHEON MOBLEY v.

THE STATE. In 2022, Dekeitheon Mobley pled guilty to aggravated assault and possession of a firearm during the commission of a felony.

On the aggravated assault count, the trial court sentenced Mobley under the provisions of the First Offender Act to serve a seven-year sentence, with the first two years to be served in confinement and the balance on probation; as to the firearm possession count, the trial court imposed a consecutive sentence of five years to serve, though the sentence was to be suspended if there was no further criminal conduct.

In 2023, Mobley pled guilty to multiple counts of participation in criminal street gang activity and related offenses; Mobley received another sentence which included probation. In 2025, the trial court entered an order revoking Mobley's probation, and Mobley filed this direct appeal from the trial court's order.

The State has filed a motion to dismiss the appeal, arguing that this Court lacks jurisdiction. We agree. Appeals from probation revocation orders must be made by application for discretionary appeal. See OCGA § 5-6-35 (a)(5); *Jones v. State*, 322 Ga. App. 269, 269 n. 2 (745 SE2d 1) (2013). Compliance with the discretionary appeals procedure is jurisdictional.

Smoak v. Dep't of Human Res., 221 Ga. App. 257, 257 (471 SE2d 60) (1996). In this case, Mobley's failure to follow the proper procedure deprives us of jurisdiction. Accordingly, we hereby GRANT the State's motion and DISMISS this appeal. Court of Appeals of the State of Georgia Clerk's Office, Atlanta, _____ 01/16/2026 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.,
Clerk.