



SUPREME COURT OF GEORGIA  
Case No. S23H0899

January 9, 2024

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

HOLLY HARVEY v. ALLEN DILLS, WARDEN.

On February 3, 2023, the habeas court entered its final order in this matter, in which it dismissed as untimely the petition for habeas corpus underlying this appeal. In order to properly initiate an appeal of that order, Harvey was required to file, by Monday, March 6, 2023, a notice of appeal in the habeas court and an application for a certificate of probable cause to appeal in this Court. See OCGA §§ 9-14-52 (b), 1-3-1 (d) (3). Harvey did not file either of these documents within the allotted time, however. Instead, on February 24, 2023, Harvey filed what she styled as motions to set aside and for reconsideration of the habeas court's final order. Harvey's motion to set aside was denied in an order entered on March 8, 2023, and her motion for reconsideration was denied in an order entered on March 28, 2023. Harvey then filed a notice of appeal in the habeas court and an application in this Court, both of which were filed within 30 days of the entry of the order denying her motion for reconsideration but not within 30 days of the entry of the final order or the order denying her motion to set aside. However, a motion for reconsideration generally does not toll the time for filing a notice of appeal, see *Blackwell v. Sutton*, 261 Ga. 284 (404 SE2d 114) (1991), and the denial of a motion seeking reconsideration of a final judgment is not itself a judgment subject to direct appeal, see *Ferguson v. Freeman*, 282 Ga. 180, 181 (646 SE2d 65) (2007).

Accordingly, as Harvey's appellate filings are untimely as to the habeas court's February 3, 2023 final order, see *Fullwood v. Sivley*, 271 Ga. 248 (517 SE2d 511) (1999), and as Harvey's motion for reconsideration did not toll the time for appealing the final order and as the habeas court's March 28, 2023 order on that motion is not separately appealable, this case is dismissed.

*All the Justices concur.*

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk



SUPREME COURT OF GEORGIA  
Case No. S23H0899

February 06, 2024

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

HOLLY HARVEY v. ALLEN DILLS, WARDEN.

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

*All the Justices concur.*

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Theresa A. Barnes*, Clerk