

# Court of Appeals of the State of Georgia

ATLANTA, February 11, 2026

*The Court of Appeals hereby passes the following order:*

## **A26I0120. THE STATE v. FRANCIS CARROLL et al.**

This case involves a criminal prosecution brought against 61 individuals (collectively, “Defendants”) by the State, acting through the Attorney General. Count I of the multi-count indictment charged Defendants with violating Georgia’s RICO statute, OCGA § 16-4-1, et seq. Defendants moved to dismiss Count I, arguing that under the circumstances of this case, the Attorney General was not authorized to prosecute the alleged RICO violations. The trial court agreed, and granted the motion to dismiss. The State obtained a certificate of immediate review and filed this application for interlocutory appeal. Pursuant to OCGA § 5-7-1(a)(1), however, the State has a right of direct appeal “[f]rom an order, decision, or judgment setting aside or dismissing any indictment . . . or any count thereof[.]” And this statutory right applies even where the order at issue is interlocutory. See OCGA § 5-7-2(a), (b)(2).

“This Court will grant a timely application for interlocutory review if the order complained of is subject to direct appeal and the applicant[] [has] not otherwise filed a notice of appeal.” *Spivey v. Hembree*, 268 Ga. App. 485, 486, n. 1 (602 SE2d 246) (2004). Accordingly, this application is hereby GRANTED.

The State shall have ten days from the date of this order to file a notice of appeal in the trial court. If the State has already filed a timely notice of appeal from the order at issue, it need not file a second notice. The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



*Court of Appeals of the State of Georgia*  
*Clerk's Office,*  
*Atlanta, 02/11/2026*

*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 Coley Smith*  
\_\_\_\_\_, Clerk.